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ABSTRACT

The effects and implications of the Education for All Handicapped Children Act, Public Law (PL) 94-142, are discussed in this collection of conference presentations. A panel gave an overview of legislative and legal aspects of the law and its implications for personnel development and funding. Small group sessions were held on: individualized education programs; least restrictive environments; personnel development; the role of the collective bargaining process; student testing; school and teacher accountability; and agency and organizational roles. Presentations at the general sessions were on the National Educational Association Special Study of Handicapped Children, and implications of PL 94-142. Perspectives on the conference are given by several participants. Brief annotations and distribution information for ten films shown at the conference are provided: (FG)

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Education Handicapped and of All Children PL 94-142

**Report of the Sixteenth National Conference on
Human and Civil Rights in Education**

**March 17-19, 1978
Sheraton Park Hotel
Washington, D.C.**

nea National Education Association, Teacher Rights, Washington, D.C.

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INTRODUCTION

The Sixteenth National Conference on Human and Civil Rights in Education was held in Washington, D.C., March 17-19, 1978. It was held to examine the implementation of the "Education for all Handicapped Children Act of 1975" and to release NEA's *Study Report: Education for all Handicapped Children—Consensus, Conflict, and Challenge*.

The conference was, in fact, the climax of NEA Teacher Rights' "Special Study" of the experience of three school districts in carrying out state and local laws similar to Public Law 94-142. The nine-member study panel was featured at a general session about the *Study Report*, and key people from the three study sites participated in other group meetings.

Conference Planning. The Conference was planned to include handicapped persons and to be multiethnic. NEA Teacher Rights conference coordinators consulted with Closer Look and the Council for Exceptional Children in planning the conference. As a result, plans were worked out to invite and accommodate handicapped persons and to train conference staff to meet the needs of handicapped participants. The conference invitation and pre-registration forms asked people to indicate their handicaps, if any, and the kind of accommodations and assistance they would need. The conference hotel was selected as the best in the area for accommodating wheelchairs, and an interpreter was hired to "sign" for deaf speakers and participants who requested an interpreter. In addition, Teacher Rights staff participated in a training session conducted by the Council for Exceptional Children to develop their ability to communicate with and help hearing impaired, orthopedically handicapped, and blind participants at the conference.

Participants. Every effort was made by NEA Teacher Rights to assure the participation of minority groups and handicapped persons in the conference. As a result, 29.85 percent of the 650 participants represented minority groups (two Asian-Pacific Islanders, 179 Black Americans, eight Chicano-Hispanic Americans, and five Indian Americans). Forms completed by participants showed five handicapped persons in attendance (one physically handicapped and four deaf).

Teachers constituted the largest group of participants (75 regular classroom and 62 special education) followed by representatives of state departments of education and federal agencies (43). The next largest group was made up of coordinators of special services, media, and home-school relations; public school officials; college and university professors; supervisors; therapists; and counselors.

GENERAL SESSION

EDUCATION OF ALL HANDICAPPED CHILDREN AND PUBLIC LAW 94-142

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When I worked as a student and clinician in speech pathology in Alabama in the 1950's, we identified youngsters and adults with speech and hearing problems. Some had cleft palates, unrepaired and repaired. We found youngsters, adolescents, and adults with cerebral palsy, none of whom had ever been to school. After we brought them into the rehabilitation program, we began to work with their speech and hearing problems. I wasn't really astounded that they had never been to school, because it was a fairly common practice in every state to educate some youngsters and not others.

In 1966, when the Ad Hoc Subcommittee on the Handicapped of the U.S. House of Representatives held hearings, parents came to tell us that their handicapped children had been turned away from school or that they were assigned to substandard facilities in basements, nonschool buildings, and old churches. In fact, only an estimated 20-25 percent of the handicapped children were enrolled in special education then.

One day, when I was working in the Bureau for the Education of the Handicapped, an employee asked me to help her find a good school for her son—a youngster with multiple handicaps. She was desperate to find a school because none of the schools here in the Washington area would take him. To make matters worse, when we finally found a school that would work with the child, the tuition was \$9,000 a year—\$4,000 more than this woman earned. The school district would pay no more than \$1,500 toward the tuition. The woman and her husband were placed in the position of paying a tuition that exhausted their combined salaries. That was not a unique situation, and nobody saw it as a violation of the parent's or the child's rights.

That situation hasn't completely changed. A few months ago, a group of disabled citizens petitioned the U.S. Department of Health, Education, and Welfare to issue regulations to Section 504 of the Rehabilitation Act. They then demonstrated in the HEW building to air their frustration with the failure of this and the previous administration to issue those regulations. During that time, I was working with the HEW General Counsel in taking testimony from parents about the necessity for Secretary Califano to sign the Section 504 regulations. A mother told us a story about her daughter, an adolescent who was mentally retarded—but not so retarded that she couldn't stand before the window every day, watch the school bus go up the road without her, and ask her mother why she couldn't go to school with the other children. As that mother told her story, she was moved to tears over the frustration. The reality of such situations is brought home so graphically to us as we talk with disabled people or their parents about the systematic exclusion of the handicapped from society—not just from schools, but from transportation, employment, and housing.

The United States has an historic pattern of discrimination against handicapped citizens. We are not excited by the prospect that our public policy is going to change that pattern. We may be overawed by what this will mean and concerned by the practical implementations. But, nobody questions the rightness of the purposes of Public Law 94-142. Nobody questions whether it is right for handicapped people or whether it is right for the United States.

Why do we discriminate against the handicapped? I don't know the answer, but I know that the discrimination is not accidental. We like to think that it is an historical accident, whether the discrimination is against Blacks, First Americans, Hispanics, Asians, women, or handicapped people. The fact is that human behavior does not occur by accident. It occurs by cause, and the causes, as Freud tried to teach, are usually emotional rather than rational. We often try to change behavior on rational grounds and miss touching the underlying feelings.

I think that we discriminate against the handicapped because we are finite: we all live and die, and we are all subject to illness and disability. I think we are unconsciously affected when we see people who have disabilities for our own security and well being are threatened. For many years, people didn't want to use the word "cancer" because it was a risk. Yet, as a risk it is part of life—something that might happen to us. Unfortunately, disabled people have had to bear our unconscious anxiety about our own finiteness.

As we move forward, however, we need to understand why we are uncomfortable and accept the reasons. It is okay to feel uncomfortable. The feelings are normal. School children may have them. We may have them as teachers. Everybody I know who has worked in special education has had them and gone through them in some form or another. We should not deny them.

The NEA's Study Report, which I recommend to you, contains this paragraph: "The money problem is a severe one, but probably not the most severe. The barriers that will be hardest to bring down are those that involve human attitude and bureaucratic inertia. No amount of money is going to cure the human ailments of prejudice against and withdrawal from those who do not fit some vague standard of 'normalcy.'"

In the minds of many people, including the members of the NEA Study Panel, the Education of All Handicapped Children Act is a civil rights act. It draws its roots from *Brown v. Board of Education*, the decision that struck down racial segregation and affirmed the notion that education is important to survival in this society. Over the years, we realized that such a notion is not limited to minority group persons but is applicable to all persons systematically ignored by the school system. Court decisions, such as *Pennsylvania Association for Retarded Citizens v. the Commonwealth of Pennsylvania* and *Mills v. Board of Education of the District of Columbia*, together with state legislation provided the philosophic base of Public Law 94-142.

We have tried to move to assert the rights of handicapped children through permissive and mandatory legislation. When both were ignored, parents, in desperation, turned to the courts. The courts sided with them in almost every instance. Now we have Public Law 94-142 by which the federal government provides additional impetus and resources. The law is not strictly a federal law imposing a federal responsibility. It offers additional support to states and local governments to help do the job that their own legislatures have spelled out for them.

The key feature of the Education of All Handicapped Children Act is the Individualized Education Program (I.E.P.). I think that the I.E.P. best affirms the civil rights philosophy of the bill and, at the same time, has the most potential for helping teachers, children, and the schools at large. It isn't often perceived that way. In fact, even in the NEA's report, it is implied that the I.E.P. is a tool for students and may possibly be a tool against teachers.

The I.E.P. is a document that is based upon a meeting of the people concerned for the child's education. In many instances, one person will be a special education teacher, although in some instances it could be the teacher in whose class the child spends most of

the day. The meeting may also include a resource or special education teacher in combination with the regular class teacher. Another representative of the school may be present, such as a principal or school psychologist as well as the parent of the child in question and, in some instances, the child him- or herself. Those folks review the current educational status of the child and develop short- and long-term objectives. They agree that the objectives should be quantified and that progress toward them will be annually reviewed.

That innocent proposition has been greeted with a great deal of concern, although the spirit behind it has been part of our educational beliefs for a very long time; namely, that the education for any given child should focus on that particular child's learning needs and characteristics.

How may the I.E.P. help teachers? Teachers have raised a particular concern about having a number of handicapped youngsters placed in their classes without having been given sufficient resources for teaching them. That may happen. I am sure it has happened. One way to prevent it from happening, however, is to use the I.E.P. planning team in which the parents sit face-to-face with the teacher and other responsible people from the special education program in the school. The law does not encourage or expect any youngster to be placed in a regular classroom situation if that is an inappropriate placement. Yet, the fears exist that the placement will be inappropriate, that there won't be enough services, that there won't be enough special materials. You, as the teacher, have the opportunity in the I.E.P. meeting to suggest to the parent as well as to the other members of the team that what is planned may be an inadequate program for that child. You may also, once the youngster is in your class, request a change in the I.E.P. If the school system ignores you, you may use the device of calling the parent and suggesting to him or her that the child's program could stand another review.

We do not see the I.E.P. as a device which will harm a teacher's due process rights, but as a vehicle that he or she may use to help bring about the appropriate services for a child.

A second feature of Public Law 94-142 is that, wherever possible, handicapped children should be educated with non-handicapped children. This concept has been called "mainstreaming" or "least restrictive environment." The law does not use the word "mainstreaming" because that word is controversial and differently defined by everybody. The key decision as to appropriateness or least restrictive environment is made at the level of the I.E.P. It requires that a school system's decision to educate a youngster in a special class or in a special school be made on the basis of that youngster's educational needs and not on the basis of administrative convenience to the school district.

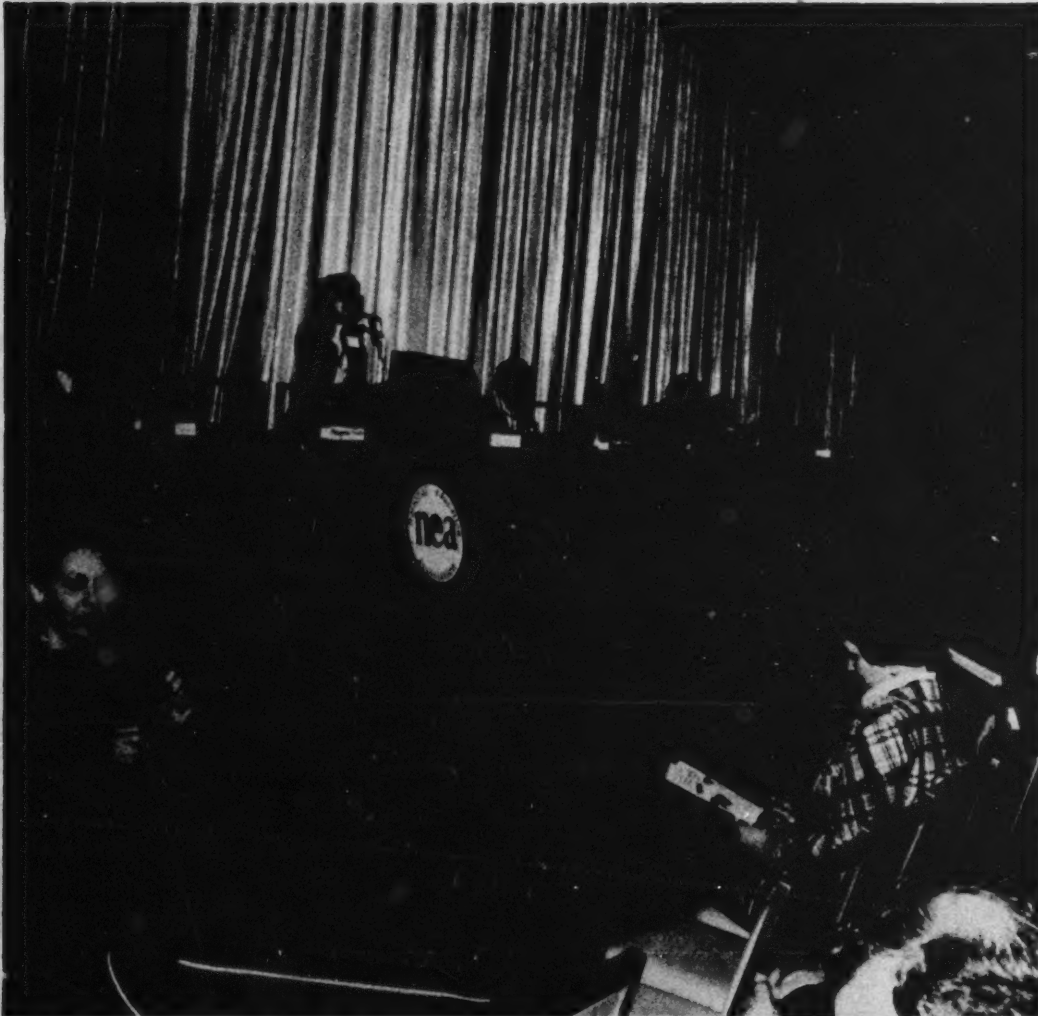
Finally, we come to the question of due process. We have received plans from every eligible state and territory, save one. What has blocked our office's approval of six state plans, however, is not that the state is not willing to make a policy commitment to educate all of its handicapped children. Approval has been held up because of a technical question in the due process area—whether or not a local school board can be an impartial hearing examiner in a dispute between the parent and the school system over the identification or placement of the child. The assumption in the law is that there can and should be a hearing at the local level, but that the school district ought to employ an impartial hearing examiner to hold that hearing and then decide on the matter. The reason is that neither the school system nor the board is impartial. The board may be elected, but it also has the fiscal burden of providing services.

The law and regulations provide for board or parental appeal of the decision of the hearing examiner to the state education agency. A number of states challenge whether the

state education agency ought to review local board decisions. I am hopeful that we will work out these problems. My sympathies lie with the way the law is written. Local officials elected to a school board may conceivably see themselves as representing the public at large and not necessarily the decisions of the school administrators or employees, but I think they would be better served by a third party. The parents would also be better served and more confident if their situations were reviewed by a third party rather than a local policy-making group.

Public Law 94-142 is the most individually focused of all education legislation. I see it as one of the most interesting expressions of the fundamental assumption of the Bill of Rights. Many of the provisions in the Bill of Rights are directed toward helping an individual—innocent or criminal—combat society.

The Education of All Handicapped Children Act, with its emphasis on protecting the rights of a handicapped child, affirms the best in American society. It is very important that we implement this law with a sensitivity to the harm that can be done to children by the special education labels we are going to learn and use.





PANEL PRESENTATION

PUBLIC LAW 94-142: LEGISLATIVE DEVELOPMENT AND INTENT OF CONGRESS

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Public Law 94-142 came about because several trends converged—trends in school financing, court decisions regarding the handicapped, and parental awareness and advocacy. In the early 1970's, Congress reviewed its role in providing money to school districts for equalization. Many members of both the Senate and House expressed concern that if Congress were to authorize substantial new monies for education, it ought to address the equalization issue as well as the education of handicapped children. Those Members of Congress, including Senators Jennings Randolph (D.-W.Va.) and Harrison Williams (D.-N.J.) and Representative John Brademas (D.-Ind.), then began to work on legislation to assure that handicapped children would be considered and equitably weighted in any school finance formula that was developed.

In 1972, at about the same time as the Congressional developments took place, the courts began to rule in favor of education for handicapped children. In *Pennsylvania Association for Retarded Children v. the Commonwealth of Pennsylvania*, the court established the right of mentally retarded children and adults to an education and appropriate treatment. In *Mills v. Board of Education of the District of Columbia*, the court went further, establishing due process procedures, giving parents the right of access to the school system, and basically saying that all children have a right to education and that all should be treated equally.

Another important trend was the increased awareness of the handicapped youngsters' parents who made their concerns known to their representatives in Congress. Senators and Representatives felt frustrated about the education of handicapped children. Mandatory laws existed, and states had committed themselves to providing equal educational opportunities for all children. Yet, just about every Member of Congress had to deal with letters from parents whose children did not have equal educational opportunities, who were not in school, and who were not getting any services at all unless the parents paid for them.

The problems brought to the attention of Congress through the casework process revealed other problems in our educational system. Parents of handicapped children felt helpless and powerless in the educational system. They also felt guilty when they could not get services, when children were arbitrarily excluded, and when they could do nothing about the situation. Severe family problems were experienced when children had to remain at home most of the time without services.

Another problem that was raised was the absence of a single agency that could provide comprehensive services to handicapped children. Many agencies were involved, but they provided patchworks of service and responsibility. Because of this, parents felt that they had no way to challenge an educational decision of the school system and could not deal with the issue of placement of their children outside the regular classroom or school. Quite often, it was a parent's or group's political clout that ultimately got services for a needy child.

Segregation and separation of handicapped children was the norm in many cases. They were considered different from the others and separated from them regardless of their educational needs. Orthopedically handicapped children, for example, were often assigned to separate classes because of the inaccessibility of regular classes or the perception of their "difference" from the others.

When school districts refused to provide services, parents often had to shoulder exorbitant educational costs themselves. They had to pay for very expensive private residential or community placements and often had no help other than that provided by a welfare agency.

Another problem that surfaced was that state and local education agencies were disorganized. Because they did not know for what they were responsible and did not feel that they had sufficient funds anyway, they tried to serve the children on a case-by-case basis. The squeaky wheel—the parent with the most clout—got the oil. Regardless of what services were available, there never seemed to be enough classes or teachers for the severely handicapped, the poor, the minority, or the bilingual.

Public Law 94-142 came as a reaction to the problems I have just enumerated. The Education of All Handicapped Children Act establishes the State Education Agency (SEA) as the agency primarily responsible for the education of handicapped children. The SEA is directed to set standards for all education programs and assure that all children have a right to an education and to protection under the law. In addition, the law makes the SEA responsible for monitoring progress within local school districts. Public Law 94-142 formalized parental involvement in all decisions affecting their children through the Individualized Education Program (I.E.P.). Parents are to be involved in developing the I.E.P., as are the child, if possible, the regular classroom teacher, and a representative of the local education agency. The I.E.P. should identify the child's learning problems, establish short- and long-term goals, lay out methods for meeting goals, and specify services to be provided and a time table for delivery of services.

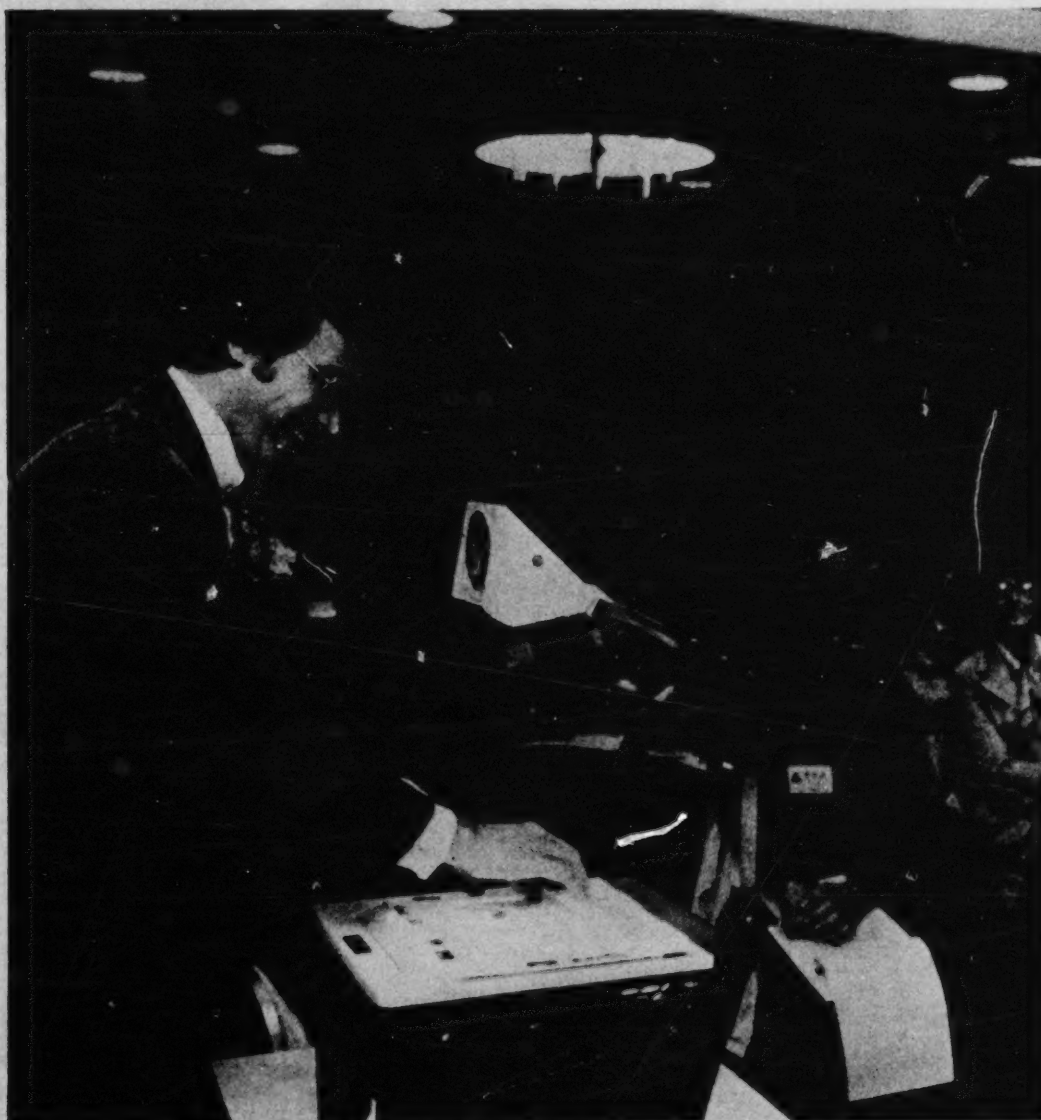
The law also provides for protection of rights. It sets up a requirement that the parents be notified of the intent to review their children's educational status. It gives the parent the right to examine all records, obtain an independent evaluation, challenge a decision that is made as a result of the evaluation, and obtain an impartial due process hearing. These provisions not only establish that parents have a legitimate interest in their children's education but strengthen their role in the educational system. They substitute a shorter method of negotiating issues with the local educational agency for the protracted legal involvements which cost money, time, and possible services for the children.

The law also provides for nondiscriminatory testing. No single test may be used to identify the disability of the child or determine his or her placement, and all testing and evaluation of the child must be in his or her native language or mode of communication.

What is the role of the regular classroom teacher in the I.E.P.? The I.E.P. was intended to be an agreement entered into by all parties involved in the education of the children—parent, teacher, and local education agency. The I.E.P. then becomes everybody's protection as to what is to be delivered to the child and what is to be available to the teacher. I don't think that teachers should perceive the I.E.P. as a threat. As a matter of fact, it may well put teachers in a position to be able to work with parents and children in a way that strengthens their hand within the educational administration and the school.

It is possible that the teacher's role in the educational system will change over the next several years with the onset of technology. It will go beyond the delivery of educational

information to students. The teacher has a responsibility to be aware of services within the community for helping handicapped children such as preschool programs, health and diagnostic services, and counseling and psychological programs that fall under a variety of federal and state laws. Broadening the teacher's role means becoming a partner with the parent in assuring that the child's comprehensive needs get attention.



THE INDIVIDUALIZED EDUCATION PROGRAM AND THE LEAST RESTRICTIVE ENVIRONMENT

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Public Law 94-142 is one of our most prescriptive education laws. It requires a free, appropriate education for every child identified as being handicapped. One method of assuring such an education is to place the child in the least restrictive environment. The law states [Section 612 (5)] that the state is required to establish procedures to assure that *to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped and that special classes, separate schooling, or other removal of handicapped children from the regular educational setting occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily*

The provision for the least restrictive environment has evoked intense concern, many questions, and great anxiety. Public Law 94-142 is not a "mainstreaming" law. That word does not appear anywhere in it. The provision of least restrictive environment does not mean that every handicapped child will be placed in a regular class. It does not eliminate existing facilities such as residential centers and institutions. It does, however, require each public agency to insure a continuum of alternative placements to meet the unique needs of the children as prescribed in their Individualized Education Plans (I.E.P.'s). This means that every public and private agency shall provide alternative placements in regular classes, special schools, hospitals and institutions, and in their own homes. When a child is placed in a regular class, services and resources must be available there to meet his or her needs. The intent of the continuum of services is to enable the school to accommodate children's different needs for special services.

While it would be ideal if every child could be placed in a regular class, this is not possible because of the child's handicapping conditions and the nature of his or her learning style. Every child, however, has a right not to be indiscriminately placed.

Use of the I.E.P. assures appropriate placement. The I.E.P. must be written by a team, every member of which has a responsibility to assure that a child will be placed in a program that is based on his or her unique needs. The plan must state precisely what kinds of services and resources will be needed. An I.E.P. must be written for each child who will be placed in a program according to his or her capabilities and, to the maximum extent appropriate, that child will be educated with children in the regular classroom setting.

- Each child has a right to an education in the least restrictive environment appropriate for him or her; placement may not be denied because of the unavailability of services.
- To the maximum extent appropriate, the child should be placed in regular classes with nonhandicapped children; services and resources must be made available to meet his or her needs there.
- A child should be afforded the least restrictive environment by assuring him or her of a continuum of alternative placements: regular classes, special classes, home instruction, hospital instruction, or hospitalization.

- A full range of nonacademic and extracurricular services should be open to the participation of handicapped children. These include counseling and special interest groups in which nonhandicapped children participate.
- Each handicapped child should have available the same variety of educational programs as is provided for nonhandicapped children. These should include art, music, industrial arts, consumer and vocational education, and physical education.
- The child's placement should be reviewed annually and changed according to his or her revised I.E.P. Whether he or she will remain in a particular setting will depend upon his or her growth and needs. The goal of Public Law 94-142 is inclusion, not exclusion, and of integration, not segregation. We must monitor the psychosocial and psychoeducational growth of handicapped children just as we do for nonhandicapped children.

The inclusion of handicapped children into the regular education program has raised questions regarding responsibility for educating them in the least restrictive environment.

Parents of handicapped children ask what rights they have in educational planning for their children under Public Law 94-142. The parents are the most important participants, second only to the child. They have the right to be included in the decision-making process. It is most desirable that they express their concerns and listen to the ideas of other members of the team. They must be included in and advised of any program change planned for their child.

Regular classroom teachers ask about the effect on them of the least restrictive environment. There will not be a mass movement of handicapped children into their classrooms as the term "mainstreaming" implies. If a child should be placed in a teacher's classroom he or she has the responsibility of educating that child. The teacher, however, is to have all the proper services and resources available that would ensure an appropriate educational program for that child. In addition, the state education agency is responsible for providing inservice training and for making the necessary services available to the teacher.

Special education teachers ask how Public Law 94-142 affects them. The law affords them many opportunities that they may have wanted for years. If a special education teacher has ever wanted to be part of a decision-making body, this is the opportunity. Being a member will give license to say that support is needed to educate a particular child. It will also remove some of the accountability that has been put upon them that before they could not control. The I.E.P. is not a lesson plan. It is a management plan.

The administrator asks what Public Law 94-142 means. It means that he or she will continue to manage programs, but that the programs will include handicapped children. The administrator will manage and coordinate inservice training for teachers, availability of proper materials, establishment of liaison activities among agencies, and help to change attitudes.

PUBLIC LAW 94-142 AND DUE PROCESS

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It would be a mistake to view the procedural safeguards of Public Law 94-142 in their adversarial aspects only. Due process in this law provides a unique opportunity for parents to be involved in the development of educational programs for their children. It also provides an opportunity for teachers to work with parents to insure that each child has an appropriate individualized education and to make sure that administrators of their school systems provide for it.

Due process begins when parents request an evaluation of their child's special education needs. If the teacher or the school seeks such an evaluation, parental consent must be obtained first. Parental consent is necessary because the evaluation of a child's needs could lead to his or her classification as mentally or emotionally disturbed—a classification that could stigmatize the child and seriously limit his or her rights. Consent is also required because parental cooperation is necessary to get to a true sense of what the child needs. Information about how the child performs outside the school—whether he or she reads at home but not in school or performs more complex tasks outside than inside school—is valuable to teachers.

The second stage of due process is the Individualized Education Program (I.E.P.) meeting. Too many school districts see the I.E.P. meeting as a *pro forma* requirement of the law at which teachers and administrators present the parents with an already written plan for their child. Such an approach defeats the point of Public Law 94-142. The I.E.P. meeting should be a coming together of people who know a great deal about a child and who have an interest in his or her education. They should fashion an educational program together.

The teacher's role at the I.E.P. meeting is crucial. Too often teachers, administrators, and psychologists hide behind the jargon of their professions and thereby intimidate parents. I have been in too many I.E.P. meetings at which neither the school's nor the teacher's view of the child's needs are explained to the parents. The parents sit and hear about test scores and performance goals but are not clearly told about needs, strategies, and plans. Teachers have to step away from their professional approaches to problems and recognize that if they cannot explain the child's needs in such a way that the parents may disagree, they will get neither meaningful nor sufficient information. To tell a parent how a child does on a test is meaningless. Parents don't give their children tests at home. They watch them perform.

Furthermore, when a teacher lays out the goals for the child's achievements, he or she has to explain that the child will be reading a particular book or will be doing certain arithmetic exercises at the end of the program. The parents will then have the opportunity to explain that their child has already achieved those goals. The teacher must be able to explain to parents why the services to be provided will help the child reach a particular set of goals.

The I.E.P. has often been confused with a contract. Teachers have been afraid that if they and the parents sign an I.E.P. they may be held personally liable if the child doesn't meet the specified goals. That is a misconception. The goals in the I.E.P. are goals only, not

guarantees of achievement levels. The teacher who signs an I.E.P. is not agreeing that certain goals will be achieved but that certain services will be provided by the school district.

The I.E.P. is a contract binding a school administration to provide the services described within it. It is thus a very powerful document. A good I.E.P. document protects teachers against a recalcitrant school administration which will not provide them the supportive educational services needed. A good I.E.P. meeting provides an opportunity for teachers to work closely with parents to fashion an appropriate education for a child. The I.E.P. provides assurance that the school district will provide all the services, material, and time for properly educating a particular child and is itself the program the teacher will follow.

Many parents are afraid of having their handicapped child placed in a less restrictive setting. There is something protective about a separate class. It is essential for you to begin to work with parents so they understand that neither they, nor the teachers, nor the school may protect the child forever. That child will one day live alone. The sooner that child meets and is accepted by nonhandicapped children, the sooner he or she will learn mechanisms for dealing with the nonhandicapped world and become a viable member of a community.

It is essential that teachers view themselves as protecting the parent in the I.E.P. meeting. They should be sure that all the services known to be necessary are written into the document so that the teacher and parent may hold the school district to its promise to provide those services.

Once an I.E.P. is written, the parents must consent to the program specified. If they think the I.E.P. inadequate, they have the right to an independent evaluation of their child's needs. If parents don't like the outcome of the evaluation or of the I.E.P. itself, they may request a due process hearing before an impartial party—who may not be the school board, a member of the school board, or an employee of the school district. The purposes of such hearings are to insure that appropriate education is provided and that enough information has been ascertained about what the child needs. Again, teachers have a role to play. Teachers may hold the information parents need to convince the hearing officer that the program the administration has supported is inadequate. The hearing officer's decision is binding upon the school district and will result in protection for the teachers for an honest effort to provide an appropriate education.

An annual I.E.P. meeting is required by law. At this meeting, the teacher will explain to parents what their child has done over the course of the year, why certain strategies applied have or have not worked, and whether the child's goals as set out in the I.E.P. have or have not been met. The annual I.E.P. meeting provides an opportunity to reassess and come up with new strategies for meeting needs.

As long as the school district has come forward with all services required in the initial I.E.P., no blame will be cast at the annual meeting. If an honest explanation is made that the services have been applied but have not produced the results necessary an effort should be made to devise a new program.

The I.E.P. is the first step to a completely new approach to educational programming—a joint effort by parents, teachers, and school administrators. This is happening now for handicapped children but eventually, may be what all educational services will look like. I think that this has been going on for years with good teachers. It merely formalizes a process which each of you would agree is the proper way to proceed.

PERSONNEL DEVELOPMENT AND FUNDING

Theodore Drain
Director, Division of Exceptional Children
State Department of Public Instruction
Raleigh, North Carolina

What I am going to say is based upon three beliefs. All handicapped children have a right to an education. Parents of handicapped children should expect that their child will be provided an appropriate education and regular classroom teachers should expect that a support system is provided to them for maintaining handicapped children in an educational system.

Teachers, administrators, parents, school board members, and county commissioners have told me that they will get the job done. I know that we may count on each of you—if certain things happen. These things may be made to happen if appropriate personnel development has taken place.

We must share accurate information, provide training when needed, and guarantee support in terms of technical assistance to regular and special education teachers. It is our job to provide accurate information about Public Law 94-142, state policy and regulations, and rights. It is our job to provide appropriate training. We must also provide support systems within states and school systems so that people will be able to assist you.

What are the components of a comprehensive personnel development plan? We must have good local and state planning teams composed of teachers, administrators, parents, and representatives of training institutions and other agencies. We must conduct an adequate needs assessment to determine the information and assistance needed by teachers. We must design a comprehensive delivery system that includes institutes, workshops, program visitations, and involvement and internship activities. Appropriate training must be provided. We must discontinue the one-shot workshop in favor of building a comprehensive, on-going, and on-the-job training program for teachers and administrators.

Local school boards and county commissioners have funds for developing comprehensive personnel development systems. Funds are available at the state level through state boards of education.

When you go back to your states and school systems, I would urge you to do three things: look at the state plan that has been developed in response to Public Law 94-142 to see that it includes personnel development. Ask your local superintendent and school board to guarantee that appropriate in-service education will be included in their application. Lastly, talk to the next person in line, and convince him or her that we must get on the ball.

IMPLICATIONS OF PUBLIC LAW 94-142 FOR THE CLASSROOM TEACHER

Billie Nave Masters
 Supervisor of Teacher Education
 University of California, Irvine Campus
 Member, NEA Minority Affairs Committee
 Tustin, California

The education of the handicapped is a very serious topic, but we must maintain a sense of humor.

The period in which we live is probably the most exciting in history. Some call it the space age. I call it the age of true equality in America.

I am a handicapped Indian woman. When I was 13, I was trampled by horses and, as a result, was given artificial hips. While I was thus thrown into the category of "handicapped" I have never viewed myself as such. I am sure that the people who have worked with me would laugh if anyone called me a handicapped Indian woman.

You have to see who is putting labels on whom. Among Indians, there are "we" and the non-Indians. Among special education people, there are "we" and the regular education people. Among members of the NEA Minority Affairs Committee, there are "we" and the whites. Where the labels are placed depends upon where you are sitting—whether you are among the poor, culturally deprived, illiterate, or handicapped.

I am a special education teacher, but at one time I was a regular education teacher. Before that, I was a community advocate. Education had been very, very harmful where I came from. I worked as a community advocate and did a lot of things, but I found out that I couldn't make any real changes from the outside. I went to school and became a regular teacher. I soon learned that I didn't know enough to be a teacher, for 11 out of my 30 kids had special needs, and I wasn't able to meet those needs. When I entered special education to try to find some answers, I realized that many of the things regular teachers consider innovative and creative have roots in special education.

As I began to learn ways to meet the students' needs, I began to wonder why I hadn't learned them before. As the years went by, I did try to meet the needs and I tried to find the real answers. I learned a lot of things. I learned about referrals—"how you get rid of the kinds you don't have the answers for by sending them down the hall to the special education class". I eventually got down to the end of the hall and became the special education teacher where all the kids wound up. I got roses, sympathy cards, and thank you notes saying: "Thank you. Brian is not kicking the locker anymore as he goes down the hall. We give you credit for this." I got all the credit—good and bad—just so long as I kept them away from the "normal" kids. I kept trying to figure out what was "normal."

I felt very good when I learned about Public Law 94-142 and discovered that it would give some support to the regular classroom teacher. I didn't get any when I was a regular classroom teacher.

I want to share some of my thoughts about Public Law 94-142. In California, we have a "master plan," and the law is considered a mainstreaming law. We have a "least restrictive environment" provision which refers to the extent to which we will let handicapped kids participate in the rewards and necessities of life. The labels in the law mean three things to teachers. We are going to recognize and diagnose learning problems. We are going to develop programs to meet the children's needs. We won't have to do it alone anymore but will be part of a team. A classroom teacher will no longer have the sole burden and responsibility.

Special education has the same goals as regular education. They both take the individual from his or her unique starting point to the realization of a unique potential. It doesn't matter if the child begins by slicing a banana every quarter of an inch and then progresses to the slicing of carrots. If that is what the child needs to learn, that is education.

Until this year, exceptional children were rejected by their peers as different. The nonhandicapped children were living in a make-believe world where there was no one with a handicap. After school, non-handicapped children—who are deprived of learning about the true situation of our earth—meet people with whom they don't know how to deal. They are uncomfortable because they have neither background nor involvement with handicapped children.

People say that exceptional children are unable to compete equally. We educators know that no one competes equally, but knowing that does not justify separation and segregation. That handicapped children have different abilities and achievement levels is the reason commonly given for housing these children separately. People also say that exceptional children can't have the same kind of experiences because they have behavioral problems. Well, I don't believe that students have problems. I believe that students have needs and teachers have problems.

We isolate handicapped children. We put them in different areas so they won't retard the nonhandicapped children. They stigmatize them with labels and groups. Yet their classes have no commonality. Each child in a special education class is unique. There is no commonality. Each child in a special education class is unique. There is no commonality among all those children you send down the hall.

It is truly undemocratic to segregate people and deny them a portion of what society has to offer. It denies our children of the experience of knowing, relating to, and living with all people on earth. Interaction alone will let them have these things. I truly believe that P.L. 94-142 will allow us all to grow.



SMALL GROUP SESSIONS

INDIVIDUALIZED EDUCATION PROGRAMS

Group I

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Member
NEA Committee on Teacher Rights
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Barbara G. Carter
State Education Diagnostic Team
Specialist
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Washington, D.C.

Hazel Fontein
Classroom teacher
Taylor Elementary School
Arlington, Virginia

Gene P. Moore, Chairperson
Department for the Educable
Mentally Retarded
Fairfax High School
Fairfax, Virginia

Carol Smith
Director of Special Education
Schuyler Preparatory School
Schuylersville, New York

Group II

Gary Jacobs, Chairperson
Member, NEA Committee on
Human Relations
Apple Valley, California

Thyra L. Packett
Community Liaison
Special Populations Division
Maryland-National Capital Park and
Planning Commission
Riverdale, Maryland

Reese Robrahn
Director,
Research and Governmental Affairs
American Foundation for the Blind
Washington, D.C.

Barbara J. Williams
Administrative Aide
Fairfax High School
Fairfax, Virginia

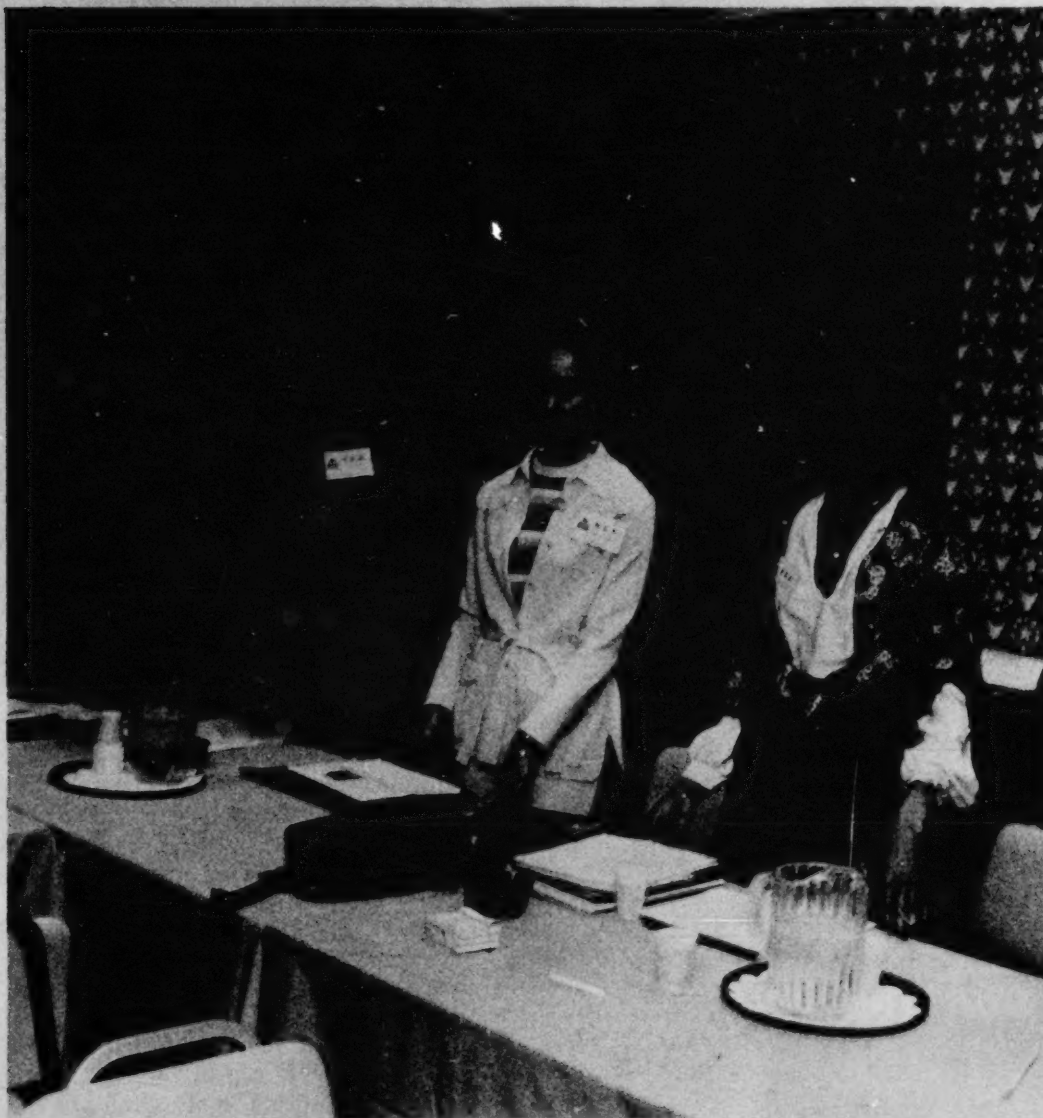
The two I.E.P. workshops featured role plays of I.E.P. meetings. The role plays were identical and were each followed by a summary of major points and a question-and-answer period.

The persons who participated in each of the role plays acted the parts of administrator, parent, receiving physical education teacher, and school psychologist who were meeting to determine the placement of a seven-year-old first grader named Michael. Michael, a victim of Down's Syndrome, had been attending special education classes in the mornings for his academic work and regular classes in the afternoon for non-academic instruction. Having adjusted well to that arrangement, Michael was considered by the school psychologist to be ready to participate in a regular physical education class.

The simulated I.E.P. meeting was called to reassess Michael's progress and possibly change his placement. At the meeting, his mother, a very articulate woman who had 15 years as a special education teacher, supported the school psychologist's view. She hoped Michael's participation in the regular physical education class would help him become more sociable. The receiving teacher, however, opposed the change saying that his class was already too large and that he had no time for another child. He also expressed concern that Michael might become the butt of insensitive jokes. When the administrator, an understanding yet cautious woman, asked about the possibility of disruptive behavior on Michael's part if teased, Michael's mother denied the possibility. No such disruptive behavior had been reported to

her in the past, she said, and added that even if Michael were teased, he had to experience some of the cruel ways of other people so he could learn to deal with them. As a result of the meeting, Michael was placed in the regular physical education class.

The simulations revealed that educators in I.E.P. meetings should expect to be confronted by articulate and protective parents. They also demonstrated that regular teachers lack the academic training necessary for teaching the handicapped.



LEAST RESTRICTIVE ENVIRONMENT

Group I

Ramon Huerta, Chairperson
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Albuquerque, New Mexico

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Migrant Project Leader
Visalia, California

Deborah Myers
Administrative Coordinator
Prince George's County Coalition for
Support of Handicapped Children
University Park, Maryland

Janis L. Paushter
Program Services Specialist
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Group II

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Member, NEA Committee on Human Relations
Human Relations
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George Gibson
Special Education Teacher
Member, NEA Board of Directors
Chairperson, Exceptional Child Committee
New Jersey Education Association
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Contract Services Specialist
Special Education Division
Fairfax County Public Schools
Fairfax, Virginia

Scottie Torres Higgins
Assistant Director for Policy Research
Governmental Relations Unit
Council for Exceptional Children
Reston, Virginia

Two panel presentations were given about the Least Restrictive Environment provisions of Public Law 94-142. The presenters' remarks are summarized below—alphabetically rather than by workshops.

Diego Gallegos described the problems that confront the handicapped children of migrant families and outlined some efforts taken to solve these problems.

The needs of migrant students were first analyzed in 1977, Mr. Gallegos said. It was found that many school districts did not accept Spanish-speaking migrant students, labeled them as "disruptive," or placed them in classrooms whose teachers spoke only English. In cases in which diagnostic centers had recommended that Spanish-speaking children receive therapy or reading readiness training in Spanish, those children had to be placed in other districts that had Spanish-speaking teachers—25 or more miles away, he said.

Efforts to prevent such problems advance very slowly, Mr. Gallegos declared, citing a California law that is similar to PL 94-142 and PL 94-142 itself. He said that California law AB-1250 requires that 25 percent of the special education students in state colleges and universities be Spanish surnamed. No active recruitment program has been initiated, however, he said. Mr. Gallegos said that PL 94-142 requires parental involvement in meetings to develop Individualized Education Programs for handicapped children. Yet, Spanish-speaking migrant parents often feel intimidated when they try to work with the English-speaking professionals at those meetings. More bilingual professionals are needed to work with the parents.

The Migrant Project in Visalia, California, said Mr. Gallegos, is trying to address the problems of the Spanish-speaking, migrant, handicapped child. By establishing a Parent Advocacy Group to work with the school administration to develop programs to meet the needs of migrant families, the Migrant Project hopes to do two things: (1) help the parents of non-handicapped children understand Chicano culture and the experience of the handicapped; and (2) help migrant parents understand the nature of the public school system and the law and how their constant need to relocate for work may interrupt an I.E.P. meeting, pupil evaluation, or due process hearing.

Georgia Gibson addressed least restrictive environment in terms of the preconditions for its success. Attitudes toward and about the handicapped must be worked out, she said, so that acceptance is the rule. When feelings of denial, guilt, and anger are acknowledged, people will be better able to bargain on behalf of the children's needs. Commitment by parents, teachers, and administrators to meeting the children's needs is also needed, Mrs. Gibson stated. Real commitment will enable all concerned to develop appropriate classroom management techniques; reduce class size; provide adequate personnel, supplies, time, and training, and secure needed funds.

Donald Hall described the least restrictive environment as being both a progressive and economical form of education. "It is less traumatic for a child to be placed in a least restrictive than most restrictive environment," he said. But in order for least restrictive environment to become a viable concept, he added, inservice education programs and support systems must be developed. In the long run, because of the law's requirement for serious planning, school systems may actually save money.

Scottie Torres Higgins described the least restrictive environment concept from the perspectives of historical development and the Individualized Education Program. "Least restrictive environment" is often called 'mainstreaming' and used as a scare tactic," Ms. Higgins said, "but it does not mean that all handicapped children will be placed in regular classrooms. It means that we are moving closer to finding the best way to educate the children." Historically, she explained, handicapped children were withdrawn from the regular classroom and placed in either a special class or institution. The children now remain in a special education program, based upon their handicapping conditions; if appropriate, they participate in various activities with children in regular classrooms. "To write an I.E.P.," Ms. Higgins advised, "members of the I.E.P. team should start at the point of least restrictive environment, or regular classroom placement, and place restrictions upon it based upon the child's needs."

Deborah Ruth Myers gave a parent's view of the doctrine of least restrictive alternative. "While the doctrine is an acceptable, well-intentioned philosophical theory," she said, "until such time as individual assessments, adequate funding, and guarantees of due process are realized, this doctrine will remain, in the minds of parents, only a theory and not a viable alternative."

Too many parents, Ms. Myers said, have seen their children's education and socialization neglected because of improper placement. The concepts of normalization and continuum of services inherent in the doctrine of least restrictive alternative have caused more problems than they have solved because they are vulnerable to economics. Many children who have been placed in regular classrooms, she said, have not been provided with support services; their receiving teachers often lack training in special education; and their principals often accept them unwillingly because of over-enrollment and under-staffing problems. Improper placement actually results in greater restrictions on the child, she said.

Due process must be assured, Ms. Myers added, to insure that a child does not remain in an improper or static classroom environment. "The burden of proof must be placed upon

the educators making the placement decision and, not as it is in so many states, upon the parent." Some parents, she said, have spent over three years in formal appeals while they either paid for their child's education or the child remained in an inappropriate class or languished at home. The caseloads of qualified examiners, she concluded, are so large that comprehensive and accurate diagnoses are almost impossible to obtain.

Janis Paushter presented facts about the continuum of placements and services available to handicapped children in the Fairfax County (Virginia) public schools.

The Fairfax schools, she said, employ 700 teachers and 225 aides to serve over 11,000 handicapped children, ages 2-21. About 1,000 of the children receive their education in the regular classroom setting; 7000 are in regular classes with resource room service; 2,500 are in separate classes; 300 are in separate school facilities; and 90 are in hospital and home programs.

The county provides at least one special education program in each of its 165 schools and 12 special centers, and it trains its teachers. This year, Dr. Paushter said, over 5,000 county school employees received inservice training in special education and related services to handicapped students. She said that the current cost of programs for the handicapped ranges from \$300 to \$6,900 above the county's average per pupil expenditure of \$1,643 per child. The average cost of educating a child in a private day school is \$6,700, she added, and \$9,500 for a private residential school.



PERSONNEL DEVELOPMENT

Group I

Leroy Wilson, Chairperson
Member, NEA
NEA Committee on Teacher Rights
Ocala, Florida

Diane Newkirk
Member-at-large
NEA Board of Directors
Curriculum Specialist in Special Education
Administrator on Leave
Fairfax County Public Schools
Blacksburg, Virginia

Joseph Sheare
Director, Staff Development Institute
Fairfax County Public Schools
Fairfax, Virginia

Group II

Gail Husbands, Chairperson
Member
NEA Committee on Teacher Rights
Avondale Estates, Georgia

Ronald A. Howard, Jr.
Doctoral Candidate
Georgia State University
Atlanta, Georgia

Jacqueline Shiloh
Classroom Teacher
New Orleans Public Schools
New Orleans, Louisiana

The two sessions that concerned personnel development dealt with teachers' needs vis-a-vis handicapped children, components of and guidelines for developing good in-service training programs, and elements of programs that specifically deal with teaching the handicapped. Participants at one of the sessions were given a "Myth Test" which is reproduced below, to sensitize them to issues involved in teaching the handicapped. Ms. Newkirk's remarks were not picked up by the recorder.

Jacqueline Shiloh listed the training needs of teachers based upon her experience as a teacher in New Orleans, Louisiana. She said that they need help in—

Recognizing children with special needs.

Modifying curriculum materials for handicapped students.

Finding supportive services.

Administering discipline.

Reorganizing classroom resources and time.

Helping nonhandicapped students deal with their attitudes toward handicapped children.

Modifying physical arrangements in the classroom.

Changing their own attitudes toward the handicapped.

Joseph B. Sheare distributed to participants the excerpts from Public Law 94-142 that deal with staff development and listed the concerns of teachers—for a student-teacher ratio

that is small enough to nurture individual student growth, for opportunities for teachers to grow professionally, and for adequate planning time. He also presented the following "Guidelines for Developing In-Service Training Programs" and "Components of Effective In-Service Education Programs":

Guidelines for Developing In-Service Training Programs

The Florida State Department of Education analyzed 97 studies in regard to inservice training. It was found that:

1. School-based inservice programs concerned with complex teacher behaviors tend to have greater success in accomplishing their objectives than do college-based programs dealing with complex behaviors.
2. Teacher attitudes are more likely to be influenced in school-based than in college-based inservice programs.
3. School-based programs in which teachers participate as helpers to each other and planners of inservice activities tend to have greater success in accomplishing their objectives than do programs which are conducted by college or other outside personnel without the assistance of teachers.
4. Teachers are more likely to benefit from inservice education activities that are linked to a general effort of the school than they are from "single-shot" programs that are not part of a general staff development plan.
5. School-based inservice programs that emphasize self-instruction by teachers have a strong record of effectiveness.
6. Teachers are more likely to benefit from in-service programs in which they can choose goals and activities for themselves, as contrasted with programs in which the goals and activities are preplanned.
7. Self-initiated and self-directed training activities are seldom used in inservice education programs, but this pattern is associated with successful accomplishment of program goals.

Components of Effective In-Service Education Programs

1. Cooperative planning with Participants: Teachers and Administrators.
2. Participants must identify and define problems.
3. The program must impart actual skills or information which can be carried into the school.
4. The reasons or needs for a change in behavior must be adequately presented.
5. The time and place of training must be convenient to the teacher, not the trainer.
6. Training programs should provide participants with the opportunity to learn to use resource materials currently available.

7. The climate of the program must be supporting of the individual and conducive to change.
8. Active participation facilitates learning.
9. The organization and design of the program should offer activities that allow participants to make choices.
10. Ongoing feedback should be built into the program.
11. Sufficient incentives for participation should be offered.

Ronald A. Howard, Jr. administered the "Myth Test" to participants and outlined the components of pre- and inservice training for teachers to help them meet the educational needs of handicapped students. The components are:

1. Legislation and litigation (Public Law 94-142, Section 504 of the Rehabilitation Act, and pertinent court cases)
2. Types of handicapping conditions (definitions and characteristics, secondary problems, medical considerations and possible emergencies, medication)
3. Labeling (traditional approach, non-categorical approach, rationale for labeling, effects of labeling, uselessness of labeling)
4. Special equipment (wheelchairs, braces, crutches, walkers, prostheses, hearing aids, etc.)
5. Educational implications
 - a. Interpretation of test scores
 - b. Operational definitions of labels and terminology
 - c. Simple methods to assess students in the classroom (criterion referenced testing) and to record student performance.
 - d. How to write behavioral objectives and Individualized Education Programs
 - e. Procedures for task analysis
 - f. Simple principles of learning theory (reinforcement, over-learning)
 - g. Simple principles of behavior management (RAID, Life Space Interview)
 - h. Recognition of individual learning strategies and needs
 - (1) Awareness Strategies: receiving assistance in identifying specific academic and behavioral deficiencies
 - (2) Remediation Strategies: receiving assistance in preparing lesson plans, activities and materials, how to present materials and activities, and how to restructure the classroom environment.
 - i. Preferential treatment (seating, positioning, lighting, eating, medications)
 - j. Use of instructional aides, peer tutors, study buddies
 - k. Accommodating the classroom (removal of architectural barriers)
 - l. Utilization of equipment to facilitate learning (electric typewriters, tape recorders, listening posts, language masters, headsets, computers, calculators, non-vocal communication aids)
 - m. Establishing modes of communication
6. Adaptation of curriculum and materials (adaptation of standard classroom materials, use of teacher-made and commercial special education materials)

7. Additional needs of handicapped students (career and vocation education, vocational rehabilitation, career counseling, recreation, social activities, transportation)
8. Available resources (national, state, and local agencies and organizations; national information retrieval services; state learning resource centers; state departments of special education; LEA special education personnel; and parent organizations.)
9. Roles of special education personnel (administrators; resource, itinerant, hospital, and homebound teachers; physical, occupational, speech, and recreational therapists; psychologists; social workers; and education and therapy aides.)
10. Feelings and Attitudes (confronting and handling emotions, biases, negative attitudes, etc.)

The Myth Test

by Ronald A. Howard, Jr.

1. Most exceptional children presently receive special education.
2. Public schools have the option of not educating some children depending on the extent of the handicap and availability of services.
3. Least restrictive environment means that all exceptional children must be educated in regular public schools.
4. Responsibility for implementing the provisions of P.L. 94-142 has been delegated to state and federal agencies exclusively.
5. The major function of special education is to attach labels on children: LD, BD, EMR, TMR, PH, MH, SLD, VI, VH, HI, HH, etc.
6. Once a child is labeled, there is no need for further assessment and evaluation.
7. Although there are several different handicapping conditions, there is only one way to teach all handicapped children.
8. All handicapped kids are alike.
9. Physically handicapped children have too many medical problems to permit them to be mainstreamed.
10. All regular classroom teachers need to be certified in first aid prior to accepting exceptional children in their classes.
11. Terms such as hyperactivity, impulsivity, dyslexia, dyscalculia, dysarthria and MBD are excellent descriptors of a child's behavior.
12. An inservice course in mechanical engineering would be quite useful for teachers since exceptional children come equipped with an arsenal of special equipment and devices.

13. Congress will need to pass an Act permitting classroom teachers to dispense drugs at will in order for them to control classroom behavior.
14. "There is no way that I can provide individual assistance to one child when I am responsible for 34 other children.
15. "It will take teachers the next six months to learn how to write behavioral objectives and IEP's, do a task analysis, prepare criterion referenced tests, observe and chart behaviors, and use behavior management principles effectively."
16. "It would cost a mint to make this school accessible to a physically handicapped child. You will have to send him elsewhere."
17. "Our school budget doesn't allow for expensive "special" materials and equipment. If a particular child cannot use the same books and materials the other children use, the child cannot attend this school."
18. "It seems now as if special education can't wait to get rid of all those problem kids. They just dump them on classroom teachers and forget about them. No wonder teachers are so uptight about letting handicapped children in their classes."
19. "Special education is so over-loaded with specialized personnel that no one knows what the other one is doing or is supposed to do."
20. Principals are seldom responsible for the exceptional children attending their school. Whenever a problem or question arises, the local director of special education handles the situation.

DUE PROCESS

Group I

Wylma King, Chairperson
Member
NEA Committee on Human Relations
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Judith R. Docca
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Department of Human Relations
Montgomery County Public Schools
Rockville, Maryland

Valerie Robinson
Special Education Teacher
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Jacquelyn E. Smalls
Speech, Language, and Hearing Clinician
School District of the City of York
York, Pennsylvania

Orlando L. Taylor, Chairperson
Department of Communication Arts
and Sciences
School of Communications
Howard University
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Barbara Ables Ward
Citizen's Advocacy Coordinator
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Dover, Delaware

Ann Champ-Wilson
Executive Director
Deafpride, Inc.
Washington, D.C.

Brenda C. Cureton
Classroom Teacher
D.C. Public Schools
Washington, D.C.

Aaron Favors, Director
Center for the Study of Handicapped
Children and Youth
Chairperson, Mayor's Committee
on the Handicapped
Washington, D.C.

Rosemary H. Jackson
Chief Supervisor
Speech and Hearing Clinic
Howard University
Washington, D.C.

Each of the two workshops held featured a mock due process hearing that involved a single set of facts.

Participants in mock hearing: teacher, parent, parent advocate, clinician, hearing officer, child (Casey).

The facts and the hearing: The teacher and parent held a meeting at which time the teacher recommended that Casey, who was already in a special education class, be given speech therapy. She argued that Casey could not follow certain commands or perform tasks requiring expressive ability, and that he omitted word endings. Casey's parents were notified of the suggested placement prior to the meeting, but his mother claimed improper notification, disagreed as to the need for speech therapy, and asked for a hearing. The mother claimed that the letter of notification was sent to the father only and that she had not been told that Casey was being re-evaluated.

At the hearing, Casey was tested, the test results were discussed and evaluated, and a solution agreed upon. The clinician administered to Casey the Photo Articulation Test, the Assessed Language Comprehension Test, and the Northwestern Syntax Screening Test. The results included several sound substitutions and verb and word-ending omissions. Casey's mother did not feel that the tests proved a need for additional therapy, but the teacher interpreted the results as implying that Casey was performing below age level. Questions by the hearing examiner about the validity of the tests and Casey's manner of communication at home revealed their discriminatory nature. The tests were normed on Midwestern children whereas Casey was raised in South Carolina; in addition, Casey's speech was like his father's.

As a result of the hearing, the examiner ordered that Casey be retested in 30 days. Because the mother thought that period too long, the hearing examiner reduced the period to two weeks, and the mother agreed to interim speech therapy until receipt of the new test results.

The simulation illustrated several aspects of due process: student identification, evaluation and placement, proper notification, parental permission, and the general requirements of a due process hearing.



GENERAL SESSION
NEA SPECIAL STUDY OF EDUCATION OF HANDICAPPED CHILDREN

Presiding

Bettie S. Weyler, Chairperson
NEA Special Study of Education of
Handicapped Children
Member
NEA Committee on Teacher Rights
Classroom Teacher
Louisville, Kentucky

Panelists

Thelma Barron
Special Education Teacher
Holly Grove Special Center
Representing NEA Committee on
Instruction and Professional Development
Clinton, Maryland

James R. Gaddy
Principal, New Rochelle High School
Representing National Association of
Secondary School Principals
New Rochelle, New York

Mervin D. Garretson
Assistant to the Dean
Pre-College Programs
Gallaudet College
Representing, as president,
National Association of the Deaf
Washington, D.C.

William Geer
Executive Director
Council for Exceptional Children
Representing CEC
Reston, Virginia

Josephine E. Holzer
Parent of Orthopedically Handicapped Child
Representing, as president,
Advocates for the Handicapped,
coalition of parents and others concerned
with rights of handicapped people
Chicago area
Barrington, Illinois

Panelists (Continued)

Wylma R. King
Principal
Florence Elementary School
Member
NEA Committee on Human Relations
Jackson, Mississippi

Deane Meyers
Classroom Teachers
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Representing National Association of
Elementary School Principals
Wilmington, Delaware

Louie Velasco
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Disabled Child
Representing Concilio de Padres
Chicano parent organization
Visalia, California

Introduction

Bettie S. Weyler

When the NEA Teacher Rights Committee recommended the Study of Education of the Handicapped, it was concerned about the lack of public and professional awareness of the contents of Public Law 94-142. It was also concerned about the lack of information that was available to our profession and communities about the law.

The Committee selected three sites for the Study: Des Moines, Iowa; Savannah, Georgia; and North Santa Barbara County, California. There were two common elements among the sites: each was already working under a form of local or state legislation that was similar to Public Law 94-142, and each was willing to let the Study Panel look at its system.

In selecting members of the Study Panel, the Committee invited people with wide ranging talents, abilities, and attitudes. We did not load it with our own members lest it be thought we were preparing a one-sided adversary position.

As the panel members traveled to and heard testimony at the three sites, we truly learned to respect the differences among us and developed a strong sense of the need for individuals and groups working with the handicapped to share with each other. We had conflicting viewpoints, and we challenged one another. In the end we found consensus.

Child Identification

Josephine E. Holzer

Public Law 94-142 has established that the handicapped children in public schools have many rights. There are no rights for such children, however, until they have been identified as handicapped. There is no appropriate free education or least restrictive environment and there is no physical education or any other special program to meet the needs of handicapped children who have not been so identified.

The NEA panel urges that state departments of education, in cooperation with intermediate education agencies where they exist, and local education agencies:

- Mount a vigorous, systematic program to locate, identify, and evaluate children who are now out of school and in need of special education services.
- Concentrate the child find effort, not only on preschool-age children, but also on locating school-age handicapped children who are not now being reached by any educational program.
- Make a special effort to locate and identify handicapped children among the groups who are most out of sight in America: migrant children, children who live in isolated rural areas and inner-city and suburban low-income areas, and non-English-speaking children of all races and ethnic groups.
- Make use of the Migrant Student Record Transfer System (MSRTS) in the effort to locate and identify handicapped migrant children and to request the Migrant Education Branch of the U.S. Office of Education to expand the MSRTS code list to identify and serve migrant handicapped students.

Student Testing and Evaluation

William Geer

Despite the procedural safeguards of Public Law 94-142 and earlier civil rights legislation and court decisions as well, the misclassification and consequent miseducation of poor and minority children continues in this country. If those children have handicapping conditions as well, their handicaps are rendered doubly debilitating by their educational losses.

In order to minimize such losses, the NEA panel recommends that:

School systems—

- Eliminate all use of group-administered, norm-referenced standardized tests.
- Adhere to the testing and evaluation requirements of P.L. 94-142 in the testing and evaluation of all children—not only those already in or being considered for placement in special education. This is necessary to ensure that all children who need special education are found.
- Require that school psychologists and other test-givers compare each child's test performance, not only with the performance of the general school population, but also with the performance of other children of his or her general educational, cultural, ethnic, and racial background.
- Develop an active, continuing program to recruit bilingual teachers, psychologists, and other specialists, who understand the culture as well as the language of non-English-speaking students attending the school. The NEA Panel noted that a school psychologist of Mexican origin was able to relate much better to children of his own ethnic background. Test score increases of as many as 20 points occurred because of his understanding of the native Spanish-speaking child.
- Recruit and train, as appropriate to the needs of the students, bilingual aides who are familiar with the culture and language of the students.

In communities where Blacks or other ethnic minorities comprise a substantial proportion of the student body, the same recruiting effort should be made toward recruiting teachers, psychologists, and other professional specialists of corresponding racial or ethnic groups, and toward the employment and training of Black or other minority group aides.

State departments of education (and intermediate education units, where they exist)—

- Assume full responsibility for monitoring the testing instruments and procedures used by local education agencies to ensure that they are not racially or culturally biased in effect.

Mervin D. Garretson

I want to present several caveats regarding testing and evaluation. We need to keep before us the purpose and objectives of the activity: that testing and evaluation must help us to plan an appropriate program and to place students. Testing and evaluation should go beyond formal tests and include experiential data about the child and his or her family, culture, and background. No child should be judged solely on the basis of a test.

Psychologists and test evaluators need to understand the differences between disabilities. If they do not understand, they need to communicate with those who do. It

would be wise to have as evaluators deaf professionals, blind professionals, and professionals representing the ethnic group of the child. We also need to remember not to equate language differences or language impoverishment with low intelligence. Public Law 94-142 encourages affirmative action plans to hire qualified handicapped people to serve as models for the handicapped children as teachers, aides, and resource people. We must remember that children grow up to become adults, and we should not always view them as children.

Staff Development Needs: Preservice and Inservice

Deane Meyers

I am a classroom teacher who is very interested in and concerned about inservice and pre-service education. I want to be capable of really helping the handicapped children in my class. While I am learning sign language on my own and teaching it to my kindergarten children, this is not enough. We need in-service training programs.

I want to work with the special education and resource teachers, and I want them to work with me in my classroom. I want us to develop a program together after we have learned techniques, information, and proper attitudes.

Teacher centers offer an opportunity for inservice training. Our two- and four-year colleges will have to provide pre-service training. We have the money and the need, but we don't have the people.

The panel recommends that:

State departments of education, intermediate education agencies, where established, local school systems, teacher organizations, and teacher education institutions—

- Work together to develop pre-service and inservice teacher education courses in special education that are of clear practical value and relevant to school and classroom realities.

Such courses should not be confined to academic theory, but should include field experience and opportunities to discuss that experience with colleagues, practitioners in the field, and instructors.

The programs should also include assistance in shaping attitudes and sensitivities that will enable teachers to overcome prejudices and fears and to relate more openly and effectively with handicapped persons. Practical skills such as sign language should be part of the program.

State commissions on teacher licensing and certification—

- Work together with state advisory councils on special education to revise teacher certification standards to require special education course work designed to prepare general education teachers to work with handicapped children in general education classrooms.

Such courses should include programming to help teachers prepare non-handicapped students to respond naturally, openly, and with sensitivity, to handicapped students as classmates.

Higher education institutions—

- Work aggressively to recruit bilingual and minority undergraduates and graduate students into various special education programs and into such

related professional fields as psychology, psychometry, occupational and physical therapy, audiology, counseling, health service professions, and adaptive physical education.

Teacher organizations—

- Immediately conduct teacher needs assessments for inservice education to design proposals for teacher center programs, enlisting the cooperation of local education agencies in submitting such proposals to state departments of education.
- Contact NEA Instruction and Professional Development for needed information to develop teacher center program proposals and applications.
- Work, through bargaining, or through consultation with the local education agency, to formulate creative practical programs of continuing inservice education.

One promising inservice resource is the resource program itself. When the resource teacher works with mainstreamed children in the regular classroom, three important purposes can be served: (1) the handicapped child receives the special assistance he or she needs to cope with day-to-day classroom activities; (2) the resource teacher consults with, advises, and provides a form of useful inservice education to the "regular" teacher, to assist that teacher with the mainstreamed student; and (3) the cooperation of the "regular" and special education teacher ensures that the activities of the child in the "regular" classroom are in harmony with all other components of his or her I.E.P.

- Develop, through bargaining, or consultation with the local education agency, practical programs of training of paraprofessionals to provide the kinds of services that teachers and children need in order to sustain an effective program of special education.

Such programs might be conducted entirely by the school systems and might be staffed by general and special education teachers on release time; or the schools might contract with nearby community or junior colleges for instructional services.

The Problem of Time

James R. Gaddy

One of the major problems we found during our on-site study was that of time. The Panel's recommendations about this problem ask us to re-examine the organization and structure of schools. School schedules have changed very little since the days of the little red school house. Yet new demands have been placed on schools over the years. Public Law 94-142 places new demands on the school and the classroom teacher, and there is no way, under present organization and structure, for teachers to be able to service students adequately.

The Panel recommends that we assess our present schedule. Why must a high school student meet five days a week for a 40- and 50-minute class to learn about a subject? Classroom contact time is important, but so is time for teachers to meet with each other and receive inservice training during the school day. Tradition dictates that teachers' needs for additional training to help them better deliver the education that kids need, takes second place and in most instances must take place after school hours.

All that is necessary for ensuring the delivery of good education must be included in a school day. The Panel referred to a flexible schedule. We do not mean a rearrangement of what we currently have. As important as the number of hours you spend in the classroom are parent conferences, Individualized Education Program (I.E.P.) meetings, writing I.E.P. reports, and attending inservice training sessions. If these activities are an important part of the education of youngsters, the school must allow them to take place during the school day. We should not have to confront each other over inservice programs held after school hours.

Wylma R. King

The problems of time-to-teach and of performing non-teaching responsibilities are compounded by the demands of Public Law 94-142. Teachers testified before the Panel about the amount of time required to develop an I.E.P. While the actual writing of an I.E.P. is not too involved, much time is needed to confer with parents, other teachers, and administrators; to assess the pupil's present level of functioning and establish long- and short-term goals and objectives; to determine the extent to which the child will be able to participate in a regular program and to determine what specific educational and supportive services are needed; to determine appropriate criteria and evaluation procedures; and to recommend specific procedures, techniques, and methods of instruction.

Teachers also expressed concern to the Panel about time lost by itinerant teachers who must travel from one building to another to service a small number of handicapped children in a large area.

The NEA panel recommends that:

Teacher organizations—

- Develop proposals for flexible scheduling to reduce student-teacher contact hours and allow more time for teachers to carry out noninstructional responsibilities that are essential to the educational program. The proposals might be appropriate for submission as bargaining items by local associations. Some proposals involving major scheduling adjustment might require state board or even legislative action. In this case, state associations should be consulted as the proposals are developed and should make the appropriate presentations at the state level.

State education agencies, in order to reduce the burden of paper work and to develop some uniformity of I.E.P. forms—

- Establish certain basic standards for the kinds of information that I.E.P.'s, parent consent, and student evaluation forms require.
- Standards set should result in forms with language that is concise and direct, that request no unneeded information, that do not duplicate other forms, and should produce as few forms as possible to meet P.L. 94-142 requirements. Forms designed by local agencies should meet these standards; state-prepared "model" forms should be available, but not imposed, to assist local agencies to streamline the process and provide some uniformity within the state.
- Cooperate with other member states in the Education Commission of the States to work toward some basic uniformity of I.E.P. forms throughout the country. Some consistency in these forms might reduce the amount of paper work and could facilitate the provision of appropriate services to handicapped children who transfer from one state to another.

Class Size

Thelma Barron

Educators, parents, and students at every site visited by the Panel expressed concern about class size. The teachers were concerned because their classrooms were crowded.

Many studies say that it doesn't matter if a classroom is crowded, for class size makes very little difference in how children learn. I wonder how many of those researchers would care to take over some of those crowded classrooms on a day-to-day basis.

Schools in some of the localities we visited have tried to solve the problem of large class size by using a weighted formula: a handicapped student is counted as one and a half, two, three, or four students. Where this policy exists, it appears to work very well. The Panel chose not to recommend its general usage, however; what works well in one state may not work equally as well in another.

Teachers are concerned that they will not be able to meet the needs of a handicapped child who is added to an already crowded classroom where the needs of the regular students cannot be met. The recommendations of the NEA Panel seek to prevent school systems from taking a wait-and-see attitude.

The NEA Panel recommends that:

Local education agencies—

- Refrain from placing any children, and particularly handicapped children, in classrooms that are crowded.
- Ensure that appropriate supportive facilities, aides, and other support personnel, such as resource teachers, teacher consultants, or therapists accompany the handicapped children assigned to general education classrooms.

The kinds of support facility or personnel assigned to the classroom would, of course, depend on the nature and severity of the child's handicapping condition. One example of an essential support would be that an aide who can communicate in sign language accompany the profoundly deaf child who is mainstreamed. It might also be a more appropriate placement to have two deaf children placed together, along with a signing aide, in the general education classroom, thus perhaps lessening the feeling of isolation that a deaf child alone in a roomful of hearing classmates would experience.

Teacher organizations, through bargaining or consultation—

- Ensure that the appropriate support services, personnel, and facilities are placed in a general education classroom to meet the needs of the mainstreamed children.
- Ensure that the children in all classes be kept to a number that does not obstruct teaching and learning; and that the size be determined as appropriate to the nature of the class itself—as is the way class sizes are determined for special education classes.

Deane Meyers

I am worried about who will define the "crowded" classroom. To me, a kindergarten class of over 20 children is crowded.

Another concern of mine and about which the Panel received testimony is that the good teachers are assigned the children with behavioral problems and handicaps. It is right that the best teachers should have these children, but I am afraid that we may overwork and eventually lose those teachers.

Accountability and Due Process.

Bettie S. Weyler

Neither teachers nor school officials are automatically liable for failure to achieve stated objectives. The school system is legally responsible for any harm that may come to a child. The teacher usually bears the brunt of parental dissatisfaction, though, and is the one who is first made aware of inappropriate activities or placement.

Teachers who want assurance of due process will not find it in Public Law 94-142. This law speaks to the rights of students and parents, not of school people—their rights are found in contracts, school board policies, and state laws.

The NEA Panel recommends that:

Teacher organizations—

- Seek to ensure, through bargaining or consultation, an equitable grievance procedure, with full due process rights, and further to ensure that this procedure is available for settlement of disputes regarding implementation of Public Law 94-142.
- Seek coalitions with parent and handicapped advocate groups and other concerned community organizations.
- Formulate and maintain an effective program to inform the public of the position of teachers on various public issues, to assure parents and other organizations and members of the school community that teachers are concerned as professionals, and as caring people about the educational advancement of all children—those who are handicapped and those who are not.
- Encourage productive interaction between special and general education teachers—through workshops and various inservice education programs that would bring the two groups together. Their professional organization is an important source of power to teachers, but that power can be seriously diluted when teachers within the organization are divided, or when the teacher group does not have the support or trust of parents.

Karen Uncapher

It is about time administrators and teachers stop being adversaries and join together to work for kids. It is the administrator's responsibility to be a buffer for the teacher. The teacher shouldn't have to deal alone with hostile, upset, and frustrated parents. If we would join hands, we could help kids.

Program Access: Transportation.

Josephine E. Holzer

Program access is guaranteed to the children under Public Law 94-142 as well as Section 504 of the Rehabilitation Act. The barriers to program access include transportation, architecture, attitude, and language.

Transportation is one of the primary problems. The NEA Panel found that some severely orthopedically disabled children had to travel two hours each way to and from school—which meant that their school day was shortened. Many had to skip breakfast or have a very quick one before their ride on the bus. I question whether they were receptive to learning after having gone through such an experience.

Transportation imposes the additional problem of money, equipment, and time. School boards have difficulty dealing with these problems, but they can be overcome. In my semi-rural district, my daughter is picked up at the door and transported to school in 10 minutes. Children who live next door to us, who go to the same school on a regular bus, ride for an hour. My daughter has a short ride because the lady who runs the school bus system felt that that was the way it should be. Such a helpful attitude on the part of employees has solved another problem. Our community uses poured asphalt to make ramps. It is a very simple process and one or two steps may be covered very easily. Such situations take concern and effort, rather than legislation and due process.

The NEA Panel recommends that:

Local education agencies—

- Deliver the educational services to the students, wherever possible—through the use of itinerant teachers and consultants and through the use of vans, as were used in one location, to transport occupational and physical therapists and their equipment.
- Employ trained aides to accompany handicapped children on all forms of transportation. The aides should be trained to have understanding of and sensitivity to the problems of children with various handicapping conditions. They should be able to speak and understand the language or modality of the children in their charge and should be taught how to provide physical assistance to orthopedically- and multiple-handicapped and blind children, as well as those who have other kinds of disabilities.
- Make use of alternative transportation modes to the big yellow bus. Such alternatives might include vans, station wagons, and taxis. All forms of transportation should be properly equipped for the maximum comfort and safety of handicapped children.
- Introduce various instructional or recreational activities for the children who must ride for excessively long distances, including musical and other kinds of recordings.
- Provide information to students and their families that might facilitate student exchange of housing for several nights during the week in order that each student could, for that length of time, be in close proximity to the school providing the educational program he or she needs.
- Join with other agencies and organizations to try to get more money for architectural barrier removal and to support the establishment of the necessary special education programs in more schools and school districts.

Many architectural modifications can be made with small amounts of money through the help of custodians and the volunteer help of students and parents. The carpentry and other necessary work could be a valuable part of the vocational training of students.

School-Home Communications

Louie Velasco

We don't need Public Law 94-142 to tell us what is wrong and what is needed. The first thing that is needed is for the administration to bring parents together and communicate

with them in their own languages. I, a Chicano, have a hard time understanding what they are saying—let alone when they say it in English instead of my own language, Spanish. Yet, according to the law, I must be involved in developing and implementing my child's I.E.P. I would hate to have my child placed in a program that I didn't understand.

The administration must find ways to inform the public and the teachers about cultural differences among the children. In addition, the administration, and society as well, must recognize the turmoil and trauma that are produced within the homes of handicapped children.

Landlords and industrialists must be removed from educational policymaking boards. Otherwise, we will never have a free educational policymaking body. The landlords will own both you and the school.

Finally, architectural, language, and cultural barriers must be removed.

The NEA Panel recommends that:

Local education agencies—

- Reduce their traditional dependence on written communication with parents of handicapped children—particularly with those who belong to minority groups and with those whose primary language is other than English.
- Establish an active school-home communication program that includes (1) home visits; (2) counseling and training of parents at home or at school as necessary; and (3) continuing person-to-person communication with parents in their native language and modality—preferably by a person of their own cultural and ethnic group.
- Employ and train for these purposes aides from the school community, who clearly have the trust of their neighbors and who can speak as parent and child advocates. It is important that the aides be from the community and that they be able to interpret for the parents if they are monolingual in another language than English, and to sign for them in their language if they are deaf.
- Establish programs of teacher (general and special education) communication with parents also. If the teachers are monolingual English, they should be accompanied by the bilingual aide at any meeting with parents.

Parent and parent advocate groups—

- Make active effort to become informed of their rights. Seek the assistance of other parents and of parent advisory councils where they are established, in order to gain that information.
- Form coalitions to bring together organizations of parents of children with different handicapping conditions, and work together in the interests of the children with anyone who serves those children—bus drivers, cooks, teachers, administrators and medical personnel.
- Diligently exert firm, positive pressure wherever needed in form of constructive recommendations to federal agencies, local and intermediate educational agencies and their governing bodies, NEA and other relevant organizations, higher education institutions involved in teacher education, professional organizations of any support personnel (such as physical therapy associations, etc.), local taxing bodies, local school transportation companies, local school boards, administrators, and teachers.

- Establish specific goals and objectives of the parent coalition to include the following:
 - To promote better understanding of measures that will prevent handicapping conditions (nutrition, prenatal care, immunization, and early diagnosis).
 - To encourage the education community to develop testing devices and other diagnostic tools that will permit nondiscriminatory evaluation of all children.
 - To encourage coordination of all services by the state education agency.
 - To encourage better teacher preparation (initial and inservice education).
 - To form a positive bond with teaching professionals and forge a coalition that will seek full implementation of Public Law 94-142.
 - To promote removal of barriers of architecture, attitude, language, and culture.
- Establish and publicize the ultimate goal: improvement of quality of public education for all children.

School Finance

Karen Uncapher

Proper implementation of Public Law 94-142—more time for teachers, more support personnel, more material, more buses, more aides, more inservice training, and more parental involvement programs—translates into more money. The public is asking us to do more for kids with fewer resources. Declining enrollment and increased operational costs have created a challenge for administrators to find more creative and effective approaches to the use of human and financial resources.

The NEA Panel recommends that:

All groups concerned with the education of handicapped children—the NEA and its state and local affiliates, national, state, and local handicapped advocate groups, school boards and administrative organizations, as well as state and local education agencies—

- Work together to lobby for greatly increased levels of funding for Public Law 94-142 from the U.S. Congress and from state legislatures.

Federal Education Organization

Bettie Weyler

We urge the establishment of a Cabinet level Department of Education to ensure a more coherent and effective program of federal educational services.

The NEA Panel urges the United States Congress to establish a Cabinet level Department of Education and to place under its jurisdiction all education-related services of all federal agencies.

Finally, the Panel recommends that Public Law 94-142 be amended to earmark monies for handicapped migrant children and, further, that these earmarked monies be coordinated with the Migrant Branch of the Office of Education, which has the capability to reach migrant worker families.

SMALL GROUP SESSIONS

THE ROLE OF THE COLLECTIVE BARGAINING PROCESS

Steven M. Burns, Chairperson
Member, NEA Committee on Teacher Rights
North Kingston, Rhode Island

Gloria Hernandez
Student Resource Teacher
Montgomery County Public Schools
Rockville, Maryland

Eleanor Blanton
Registered Physical Therapist
Grand Rapids Public Schools
KEN-O-SHA Public School Program
Grand Rapids, Michigan

Charles Walker
Associate Director of Instruction
New Jersey Education Association
Trenton, New Jersey

Joel D. Gewirtz
Organization Specialist
National Education Association
Washington, D.C.

This session helped participants explore the concerns of teachers about the impact of Public Law 94-142. It consisted of three formal presentations. (The talk delivered by Mr. Charles Walker was not picked up by the tape recorder.)

Joel Gewirtz discussed the impact of Public Law 94-142 upon five areas: Worktime/workload, inservice training, student discipline, information sharing/association input, and job security.

(1) *Worktime/Workload.* Implementation of the statute, said Mr. Gewirtz, results in extra work for teachers particularly through IEP meetings (which will either cut into teachers' duty-free time or after-school hours) and class size (which does not refer to the number of students but to how difficult those students are to teach). Mr. Gewirtz cited some ways local associations may address these issues. He suggested that they negotiate extra compensation, overtime, flexible time, or compensatory time to compensate teachers for working extra hours or losing free time. If a teacher is asked to give up a preparation period, he said, assignment of a specialist to help that teacher might be considered. Public Law 94-142, Mr. Gewirtz said necessitates a new way of computing class size. While a contract may limit class size to 30 students, the total would actually be 50 or 55 if the class were to contain handicapped students. He offered the Teaching Effort Index (TEI) as a way to deal with this issue: Students would be assigned index factors indicating how difficult they are to teach, and the number of index factors per class would be limited to the class size stipulated in the contract. The local should, ideally, negotiate an absolute TEI limit per class, but, if this is impossible, it would bargain for released time or extra compensation for the teacher.

(2) *Inservice Training.* Teacher training is required by Public Law 94-142, Mr. Gewirtz said, but the school district must do more than provide for it. It must encourage teachers to attend training sessions. Incentives that may be used include released time, team participation, and options for academic and salary step credit.

(3) *Discipline.* Teachers must have assurance of absolute authority to (a) deal with students who react adversely to the handicapped, and (b) challenge the placement of a handicapped child—who may be so disruptive in the regular class that his or her own learning is impaired.

(4) *Information sharing/association input.* The education association should have access to data, claims, and applications the Local Education Agency files with the State Education Agency. The association may also require copies of all non-confidential

supporting information and details about pupil placement for monitoring purposes. It should also be involved in shaping the local plan, developing materials, and designing and utilizing support services.

(5) *Job Security.* Contracts must prohibit teacher layoffs and the assignment of teaching functions to aides or paraprofessionals under Public Law 94-142. Teachers who are assigned to teach in private schools need special protection including full liability insurance, reimbursement for transportation expenses and compensation for travel time, guarantee of necessary support services, and guarantee against adverse action if a child does not achieve his or her I.E.P. goals.

Gloria Hernandez described her 16 years in the classroom, including two as a student resource teacher of handicapped and non-English-speaking children. She claimed that Public Law 94-142 is "one of the best things that ever happened to children." Local associations, she said, should make sure that understandings about class size and handicapped pupil placement are incorporated into negotiated agreements.

Eleanor Blanton listed concerns of regular and special education teachers about their working relationship. These do not only include workloads, class size, and preparation. The need for each other's help and an information exchange are essential, she said. Ms. Blanton suggested that in-service training sessions be used to help the sending and receiving teachers and therapists to learn to work together. She also recommended that visitation periods be arranged so that regular teachers may observe the special education class of the child to be transferred and the child spend some preparation time in the regular classroom. She also raised concerns about classroom design and teacher liability insurance—whether all children—walking and in wheelchairs—will be able to exit quickly from a regular classroom in an emergency; and the fact that physical and occupational therapists are not covered by educational liability insurance unless they have coverage through their education association or an individual policy.



NEEDS OF THE DEAF STUDENT IN THE REGULAR CLASSROOM

Presentation by Gallaudet College, Washington, D.C.

Carl Kirchner, Director of Instruction Programs
Kendall Demonstration Elementary School
Washington, D.C.

Mervin Garretson, Assistant to the Dean
Pre-College Programs, Gallaudet College
Washington, D.C.

The needs of the deaf student in the regular classroom were explored by administrators and students of Gallaudet College. Their presentation included brief discussions about the placement and education of the deaf and a series of skits about mainstreaming experiences.

Carl Kirchner spoke about hearing as the process that develops language and leads to education. In a hearing child, he said, the process of language development takes about 24 months. The deaf child develops his or her own primary mode of communication and learns the communication of hearing people as a second language.

Dr. Kirchner stressed the importance of proper testing of deaf children, insisting that they be tested in their primary form of communication. Their intelligence and visual perception should be tested and how the children feel about themselves and their deafness should be determined. In addition, the children should be tested for hearing level, speech discrimination ability, auditory comprehension, educational achievement, hearing aid need, and lip reading ability. A case history of the child should also be obtained giving the cause of deafness.

Mervin Garretson told workshop participants about the issue of most appropriate placement—which he favors for the deaf—as opposed to least restrictive environment. While “mainstreaming” is generally a workable concept for handicapped children, he said, deaf children have unique problems requiring special accommodations—fire warning lights, for example. He said he agrees with many parents of deaf children and the children themselves who prefer separate schooling with other deaf people.

Skits: Students from the Kendall Model Secondary School for the Deaf presented four skits, entitled, “In the Mainstream and Out.” The skits illustrated insensitivity shown to handicapped students in regular classrooms, a teacher speaking with her back to the class, another using a cassette tape recorder in a lesson, a third giving a blind student a book to read, and the fourth ignoring a deaf student. At the end of their presentations, the students responded to questions from the workshop audience. In response to a question about placement, they said they prefer attending a special school for the deaf because the public schools do not meet their needs.

OVERCOMING ATTITUDINAL BARRIERS TO INTERACTION WITH HANDICAPPED PEOPLE

August Olim, Chairperson
Member, NEA Minority Affairs Committee
Fountain Valley, California

Paul Hipolitus
Program Specialist
President's Committee on the Employment of the Handicapped
Washington, D.C.

Michael Jones
New Castle-Gunning Bedford School District
New Castle, Delaware

Marsha Stevens
Educational Psychologist
The Carrol School
Boston, Massachusetts

General and small group discussion and a film helped participants in the workshop to realize—

- That handicapped individuals are just people who may have a more difficult time coping with their environment;
- That handicapped individuals have the same needs and desires as nonhandicapped people;
- That handicapped individuals have many of the same capabilities as nonhandicapped people, and with some training, these capabilities can be developed to their full potential; and
- That handicapped people should be treated as individuals.

Workshop participants viewed the film, *Crip Trips*,* which depicts the aspirations of individuals with different conditions. Afterwards, small groups were formed to discuss ways by which teachers and administrators could help eliminate discriminatory behavior in the schools.

*For information about *Crip Trips* see film listing on page 67.



STUDENT TESTING

Peg Maeder, Chairperson
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Van Buren, Maine

W. Alan Coulter
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Texas Education Agency
Austin, Texas

Lois Durbala
School Psychologist
Ruby Van Meter School
Des Moines, Iowa

Alvin E. Goins
President
Dynamic Research, Inc.
Washington, D.C.

The Student Testing Workshop dealt with test uses and abuses particularly as they relate to handicapped and minority group children. It included a special presentation about the System of Multicultural Pluralistic Assessment (SOMPA) as a method of eliminating bias from the testing process.

Alvin Goins likened the use of standardized tests to the demand for Laetrile and our consumption of saccharine. Evidence of those products' ineffectiveness and harmfulness has as little effect upon our continued use of them as evidence of the psychometric inappropriateness and bias of standardized tests has upon our using them to classify students. Tests should never be used as a single measure in classifying students, Mr. Goins said. Such tests, which are appropriate for the population upon which they were standardized, should be used only as intended by the test makers, for curriculum development, or for diagnosis, he said.

Alan Coulter summarized the issues involved in the assessment and placement of students and outlined a method for making such decisions in a nondiscriminatory way. Racial and ethnic discrimination in student placement, he said, is evidenced by the representation of minority group students in special education and EMR classes. They are overrepresented in special education and EMR and underrepresented in classes for the orthopedically and visually handicapped. While the tests have been thus shown to be biased, Mr. Coulter added, the "vulnerable child hypothesis" is often advanced to justify the discriminatory placement of minority group children. This hypothesis relates poor test performance to poverty, malnutrition, and poor pre-natal care.

Mr. Coulter described SOMPA* as a method of least biased assessment. Designed by Dr. Jane Mercer and June Lewis of the University of California at Riverside, SOMPA facilitates the identification of mentally retarded students without the sociocultural bias found in other assessment procedures and the compilation of data for the Individualized Education Program. SOMPA utilizes three models of assessment—medical, social, and pluralistic—and includes a parent interview.

*Mercer, J. R. and Lewis, J. F. *System of Multicultural Pluralistic Assessment*. New York: Harcourt Brace Jovanovich (The Psychological Corporation), 1977.

Lois Durbala spoke about the need to develop and revise tests for proper placement of handicapped students under Public Law 94-142. At present, she said, there are no clear boundaries between the categories of special education and the criteria for placing children in various special education classes. This is evident, she said, in the placement of borderline children, where criteria other than test scores often determine placement. A child who is tall for his or her age, has buck teeth, or is a bit surly, she said, is more likely to be classified as retarded than a more likeable youngster with a different physical appearance. Other placement factors are equally circumstantial, Ms. Durbala continued. These include the persons who are invited to the placement meeting, the location of the meeting, the number of openings in the special education class, and the influence of the parent.



FINANCING

Harriet Booth, Chairperson
Member, NEA Committee on Human Relations
Anchorage, Alaska

Alethia Elliott
State Plan Officer
Bureau of Education for the Handicapped
U.S. Office of Education
Washington, D.C.

Joseph Lipp
President-Treasurer
Cooperative Individualized Retraining Programs, Inc.
Bridgeport, Connecticut

The Finance Workshop enabled participants to hear presentations about and discuss proposal writing and funding mechanisms under Public Law 94-142.

Dr. Joseph Lipp presented the components of a proposal by means of an overhead projector. The components are:

Title Page: Title of project, name of applicant, name of agency submitted to, inclusive dates of proposed project, total budget request, signatures of authorized personnel approving submission of the proposal.

Abstract: Summary of project objectives, procedures, evaluation and dissemination, usually 250 words in length.

Statement of the Problem (Need): What needs to be done and why. Usually includes references to related research or previous projects which give evidence of the need for the project.

Objectives: The proposed outcomes of the project in clearly specified, measurable terms. Usually an objective is provided to meet each major need identified in the preceding section.

Significance: Write concisely what is the educational significance, importance and consequence of doing what you propose.

Procedures: How the objectives will be met. This section may begin with an overall design or approach for the project, then describes specific activities. It discusses how the population to be served will be selected, outlines management and administrative structure for the project and provides details on how much time will be needed to carry out the design. Procedures should accompany each objective.

Evaluation: Details the means by which the funding source will know the project has accomplished its objectives. Indicates the type of evaluation information to be collected, how this will be analyzed, and gives a pattern for its dissemination and use. Evaluation criteria should be provided for each objective.

Dissemination: How the outcomes of the project will be shared with others. How the products or results of the program will be transmitted to the field for rapid use, thus maximizing the value of the program.

Facilities: Facilities required and how these will be provided. This section can also be used to explain any special equipment or facilities available which will facilitate the project.

Personnel: How many and what categories of employees will be needed for the project. How these will be selected. Information should be provided on the background of key personnel to make evident experience and general managerial or professional skill.

Budget: Cost of the project. How much will be required from the funding source and how much will be contributed by the grantee. A budget is usually divided into categories such as personnel, equipment, and materials, travel, physical plant, and indirect costs.

Dr. Alethia Elliott described funding mechanisms. A local school system must provide a free appropriate education to handicapped pupils whether or not it receives state funds.

- There is 50-50 funding under Public Law 94-142. At least 50 percent of the federal funds allocated to a state must be allocated to local education agencies; up to 50 percent of the funds may be used by the state education agency.
- It is the responsibility of the local education agency to locate handicapped children. The more identified, the greater the federal aid.
- Public Law 94-142 funds must be spent first on meeting the educational needs of unserved or underserved handicapped children and secondly to meet the needs of the most severely handicapped.



SCHOOL AND TEACHER ACCOUNTABILITY

Terry D. Stimson, Chairperson
Member, NEA Committee on Teacher Rights
Anchorage, Alaska

James W. Becker
Executive Director
National Foundation for the Improvement of Education
Washington, D.C.

Faith Hanna
Attorney, Office of General Counsel
National Education Association
Washington, D.C.

Wendy White
Attorney, Shea and Gardner
Washington, D.C.

The School and Teacher Accountability workshop provided information about pertinent federal statutes, regulations, and cases; teacher and school district liability for negligence and malpractice; and resources available to the teacher.

Wendy White described federal statutes and regulations and listed cases involving the rights of handicapped students and the employment rights of handicapped teachers. She cited as the pertinent federal statutes Section 504 of the Rehabilitation Act of 1973 and Public Law 94-142. Section 504 is modeled after Title VI of the Civil Rights Act and Title IX of the Higher Education Act, she said. It prohibits discrimination against handicapped individuals in any program or activity receiving federal financial assistance and defines the term, "handicapped individual." Public Law 94-142 provides for financial assistance to the states for improved educational services for handicapped children and requires states to have a "right to education" policy for all handicapped children as a condition for receiving federal funds. Ms. White cited the following cases:

Rights of Handicapped Students

1. *Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania*, 334 F. Supp. 1257 (E. D. Pa. 1971). Suit to compel Pennsylvania to provide retarded persons between the ages of six and twenty-one access to a free program of education and training appropriate to their learning capacity.
2. *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D. D.C. 1972). Suit to restrain Board of Education from excluding retarded, emotionally disturbed and hyperactive children from the public schools and denying them public supported education.
3. *Fialkowski v. Shapp*, 405 F. Supp. 946 (E. D. Pa. 1975). Suit under the Equal Protection Clause and Due Process Clause challenging failure of State to provide retarded children with appropriate education.
4. *Hairston v. Drosick*, 423 F. Supp. 180 (S.D. W. Va. 1976). Suit under § 504 challenging refusal of school district to admit child with minor physical impairments to the regular public classroom.

5. *Frederick L. v. Thomas*, 419 F. Supp. 960 (E. D. Pa. 1976), *aff'd* 557 F.2d 373 (3d Cir. 1977). Suit challenging sufficiency of remedial programs for children with specific learning disabilities.
6. *Kruse v. Campbell*, Civil Action No. 75-0622-R (E. D. Va. 1977), vacated and remanded by the Supreme Court for reconsideration in light of § 504 regulations, 46 U. S. L. W. 3213 (Oct. 4, 1977). Suit challenging a Virginia statute as denying a free appropriate public education to handicapped children.
7. *Donnie R. v. Herbert A. Wood*, Civil Action No. 77-1360 (D. S. C. 1977). Suit brought under § 504 to enjoin official from continuing to exclude a handicapped child from adequate educational services.
8. *Mattie T. v. Charles Holladay*, No. D. C. 75-31-5, (N. D. Miss. 1977). Suit brought under the Education of the Handicapped Act of 1975 to require the enforcement of procedural safeguards in evaluating children, the establishment of a program to identify handicapped children, the use of nondiscriminatory tests in evaluating children, and the development of integrated programs for the handicapped.
9. *Barnes v. Converse College*, Civil Action No. 77-116 (D. S. C., July 12, 1977). Suit under § 504 brought by deaf teacher to enjoin college from refusing to provide funds for interpreter services. Private right to action under § 504 implied.
10. *Crawford v. Western Carolina University* (S. D. N. C., Nov. 1, 1977). Suit under Section 504 and Equal Protection Clause by deaf graduate student for an interpreter. University defends on grounds HEW regulations require auxiliary aids commencing June 3, 1978. Court grants preliminary injunction to maintain status quo while HEW given opportunity to rule.
11. *Jane Doe v. N.Y. University*, 77 CIV. 6285 (GLG) (S. D. N. Y., January 3, 1978). Suit under § 504 by medical student denied readmission after leave of absence due to mental disability. Court holds administrative remedies under HEW 504 regulations must be exhausted before court will entertain lawsuit.
12. *Halderman v. Pennhurst Center*, (E. D. Pa. 1977). Holding that state school and hospital for mentally retarded violated Constitution and § 504 by isolating residents rather than encouraging rehabilitation in community based facilities.
13. *Stuart v. Nappi*, (D. Conn.) filed November 29, 1977. Suit by parents of student to enjoin expulsion proceedings pending against the student. Judge Daly granted the injunction until a full evaluation of education needs could be made.
14. *Spiro v. Rockaway Township Board of Education* (Superior Ct. of New Jersey). Suited for \$10,000 in damages filed against school board by parents of child whose parents alleged had not received appropriate education services. An "educational malpractice suit."
15. *Doe v. Griles* (N. D. Ill.). Suit brought against school district under § 504 and 94-142 by 113 severely retarded children for failing to provide appropriate education services.

Employment Rights of Teachers

1. *Gurmankin v. Costanzo*, 411 F. Supp 982, 12 F. E. P. 1057; 14 F. E. P. Cases 1356 (E. D. Pa. 1976), *aff'd*, 14 F. E. P. Cases 1359 (3d Cir. 1977). Suit by blind school teacher alleging the school district refused to hire her because of her handicap and later failed to restore her to her "rightful place."
2. *Coleman v. Darden*, 15 F. E. P. Cases 272 (D. Colo. 1977). Suit brought by rejected blind applicant for position as a legal research assistant. Court found no private right of action under § 504.
3. *Drennon v. Philadelphia General Hospital*, 428 F. Supp. 8809 C. E. D. Pa. 1977). Suit by epileptic claiming discriminatory denial of employment. Court upholds implied private right of action under §§ 503 and 504, but stays action pending exhaustion of administrative remedies under § 503 of Department of Labor.
4. *TWA v. Hardison*, 14 F. E. P. Cases 1697, 45 U. S. L. W. 4672, (U. S. Supreme Ct. 1977). Defines "reasonable accommodation" in the context of religious discrimination under Title VII of the Civil Rights Act to be only a "de minimus" standard.

Additional § 504 Cases

1. *Cherry v. Mathews*, 419 F. Supp. 922 (D. D. C. 1976). Suit to compel Secretary of HEW to promulgate § 504 regulations.
2. *Lloyd v. Regional Transportation Authority*, 548 F. 2d 1277 (7th Cir. 1977). Suit brought by mobility-disabled persons alleging that they were unable to use public transportation in violation of § 504. Private right of action under § 504 implied.
3. *Rogers v. Frito-Lay, Inc.*, 14 F. E. P. Cases 1752, 14 Emp. Prac. Dig. 17631 (N. D. Tex. 1977). No private right of action under either § 503 or § 504 against an employer that receives no federal financial assistance.
4. *Moon v. Roadway Express, Inc.* 15 Emp. Prac. Dig. 17903 (N. D. Ga. 1977). No private right of action under § 504. Relied on *Rogers v. Frito-Lay, Inc.*, *supra*.

Faith Hanna examined educational accountability by describing the four theories according to which teachers have been sued.

The Malpractice Theory is based upon medical malpractice law, she said, in that it relies upon breach of duty and the cost-effect relationship between an injury and a doctor's negligence. The medical model was not applied to education by a California court, however, because education does not guarantee learning and there is no standard for judging a teacher or school board. Even if the medical model were to apply. Ms. Hanna said, that model holds doctors to maintaining community standards which vary greatly.

The Misrepresentation and Fraud Theories say that schools do not inform parents about their children's failures and promote them knowing of their failures. A California court, however, ruled that a teacher was not liable for a student's inability to read.

The Misclassification Theory says that the school has a duty to classify students properly and that misclassification may violate their equal protection rights. Ms. Hanna said that misclassification cases present a serious threat to teacher liability.

The Access-to-Facilities Theory holds school boards accountable for providing appropriate educational facilities. While standards for an "appropriate" education are lacking. Ms. Hanna said, there is much precedent for holding schools accountable. The issue of facilities will become more significant under Public Law 94-142.

James Becker urged teachers to protect themselves by securing in-service training, making sure that required services for handicapped students are available, and leaving the diagnosis and classification of children to the specialists. He concluded his remarks with some statistics about the specialists:

Psychologists: Ratio of 1:4,889 children
1:987 handicapped children

Counselors: Ratio of 1:789 children
1:158 handicapped children

Pediatricians: Ratio of 1:1,956 children
1:768 handicapped children

Psychiatrists: Ratio of 1:1,800 children
1:360 handicapped children

AGENCY AND ORGANIZATIONAL ROLES

Gerald Martin, Chairperson
Member, NEA Committee on Human Relations
Franklin, Wisconsin

Thelma Barron
Special Education Teacher
Holly Grove Special Center
Clinton, Maryland

Theodore Drain
Director, Division for Exceptional Children
State Department of Public Instruction
Raleigh, North Carolina

James Gaddy
Principal, New Rochelle High School
New Rochelle, New York

William Geer
Executive Director
Council for Exceptional Children
Reston, Virginia

Janis Paushter
Program Services Specialist
Special Education Division
Fairfax, County Public Schools
Fairfax, Virginia

With the aid of a panel of experts, participants in the workshop on Agency Roles examined the implementation of Public Law 94-142 from the perspectives of state agency, local school district, school principal, teacher, and outside agency responsibilities.

Theodore Drain described the responsibility of the state to develop a plan that provides free and appropriate education to all handicapped children, ages 3-18. That plan, he said, must contain the goal of providing full services to handicapped children; guarantee comprehensive personnel development and support services for all teachers; and authorize interagency cooperation and the development of supportive legislation. The state plan must also provide for locating the handicapped children within the states. This is especially important, Mr. Drain said, because previously unserved and inadequately served children are to receive first and second priorities in use of funds.

Janis Paushter outlined the local school district's responsibilities to provide services, make budgetary decisions, and form coalitions with parents and supportive agencies. The district, she said, must provide services beyond the regular programs, including counseling, occupational and physical therapy, vocational education, transportation for extracurricular activities, and testing for the initial I.E.P. To provide these services, the district must make decisions as to amounts of physical therapy needed, the budget for medical examinations, and the implementation of "least restrictive environment"—about which the law provides little guidance. The local district must also become a partner with the parents of handicapped children and encourage joint efforts by regular and special educators and supportive agencies. It must also realize, she said, that an unsigned I.E.P. or a due process suit will generate more services than a regular budget request.

James Gaddy addressed the principal's responsibility to deliver a sound educational program for the handicapped. To do so, he said, the principal will need to learn about Public Law 94-142; establish building policy about regular classroom education for the handicapped, grading, and adjustment of resources and time; monitor the quality of the Individualized Education Programs; foster cooperation between teachers and administrators; and provide needed financial support and supplies.

Thelma Barron listed four areas of teacher responsibility: assessing and evaluating student progress; coordinating student services; serving as a resource to parents, administrators, and other teachers; and serving as a change agent.

William Geer briefly described the roles of national agencies. Their legislative role includes lobbying Congress and state legislatures and helping states and locals implement legislation. The agencies must also help define the needs of the handicapped, secure appropriations, and disseminate information, he said.

THE GALLAUDET DANCERS

The Gallaudet Dancers performed at the luncheon session on March 18. Under the direction of physical education professor Peter Wisher, deaf students Ellie Corres, Sharon Davis, Maureen Scarlett, and Margo Cienek danced to recordings of "The Star Spangled Banner", the rounds "Three Blind Mice" and "Frere Jacques", "Fifty Ways to Leave Your Lover", "They Say I'm Deaf", and "The Lord's Prayer."

Between dances, Dr. Wisher commented about physical education for the deaf. "Rhythm is internal, like the heart's beat," he said. "Teach with a drum. All deaf people can hear or feel its sound." Dr. Wisher stressed the need of the deaf for a total communication program that includes music and dance and said he does not favor mainstreaming for deaf students.

The Gallaudet Dancers is a modern dance group that was organized by Dr. Wisher in 1956. In great demand, the group has performed throughout the United States and Europe, appeared on the "Mike Douglas Show" and "60 Minutes," performed at 15 national conventions, and held a number of workshops on dance for the deaf. Information about the group is available from Gallaudet College, Seventh and Florida Avenues, N.E., Washington, D.C.





GENERAL SESSION

PUBLIC LAW 94-142: THE CHALLENGE FACING TEACHERS

Willard H. McGuire
Vice President
National Education Association
Washington, D.C.

The clear message of this conference has been one of deep commitment to the goals of Public Law 94-142—a commitment in no way diminished by a frank recognition of the enormity of the task that lies ahead if those goals are to be fulfilled.

There has probably never been a law that demanded so much of schools and teachers yet provided so little to enable them to meet those demands. More money is needed, and I want to summarize some of my reasons why.

- More money is needed to expand and improve inservice education opportunities for general and special education teachers and for administrators. If administrators lack the understanding and attitude necessary to honor the letter and spirit of the law, they will become obstacles to its fulfillment—and the law itself will be blamed for administrative maladroitness.

- We need teacher-designed, classroom-relevant inservice programs that will help teachers to be more effective in our relationships with children who have diverse needs and learning styles. We need inservice education that can be developed through the now inadequately funded teacher center legislation. We need released time, however, to design and participate in the inservice programs. That takes money.

- More money is needed to remove architectural barriers and to provide physical plants and facilities. We know that until school plant and educational program inadequacies are corrected, many handicapped children—including the multihandicapped—will continue to suffer intolerably long bus rides to get to the buildings where the needed programs are located. When they get to those buildings, after as much as two and one-half hours on the bus, they will continue to be emotionally and physically exhausted and in no condition to benefit from the allegedly appropriate education awaiting them.

- More money is needed to enable educators to develop new, flexible, and varied curricula within public schools and colleges of education. I stress the importance of curricular change in higher education. Teacher education institutions must prepare people to teach better than ever because the demands of teaching are greater today than ever before.

Preservice teacher education programs must be more closely related to the real world of public school classrooms so they will be able to prepare teachers to respond to the special needs of all children. All teacher education graduates should also be prepared to understand the particular needs imposed by various handicapping conditions. I am not saying that all teachers should be prepared as special education teachers, but that the worlds of regular and special education need to come together. Regular and special education teachers need to be prepared to interact productively since handicapped children will be their shared responsibility.

The needed preservice programs will not suddenly materialize. They will require careful planning. They will also require more education of those who educate teachers. Money won't do the job for us—but more money is necessary to get the job done. More money needs to be appropriated by the Congress than has been authorized by the initial legislation, and more money must be appropriated by state legislatures. Improved inter-agency cooperation and coordination of funding needs to occur at both federal and state levels to bring together the financial resources now existing within different agencies.

• One cost item—perhaps the biggest of all—is class size. The NEA Study of Handicapped Education makes crystal clear that crowded classrooms are one of the most intransigent obstacles to good education and a constant source of teacher frustration. The testimony of teachers to the NEA Study Panel expresses better than I how overwhelming this problem is and how it is compounded by the overall inadequacy of financial support for public school education:

My class is overcrowded. My school's overcrowded. During my planning period, I vacate my room for another class to float in. Will my windows stay cracked? Will I lose all duplicating and reproducing services as I did last year when materials ran out? Where is the money to come from?

This is something that concerns me, and it concerns my colleagues. . . . We also need more staff. I teach United States history. This is a course mandated by the state. . . . Therefore, my classes are large. Sometimes they go over 40, and frequently I have exceptional children put in there. . . and I don't have time to help them or even to split up my time among the other 40 in there.

The president of the Iowa State Education Association told us:

We are finding class size increasing. I ran across a kindergarten class of 39 this fall, an third grade class of 38. Now, some of those teachers are also experiencing mainstreaming on top of that. I need not tell you the impact that is having on the mental health of the classroom teacher. . . .

A teacher in California testified that:

. . . we have legislation that says [the resource teacher] has only 24 children. That's the maximum caseload. Well, when you mainstream a child, you send him back into a classroom where there is no real legislation on the number of children. . . .

. . . for example, our physical education teachers have to take a full classroom, or they take two classrooms at a time—75 children.

They include all the children in a learning disabilities class, all of the behaviorally disordered children. The physical education teacher looks at the resource teacher and says, "You can only have 24, but I have to have all the regular children, plus all the ones in the resource program where the class size is limited to just a few, because they're handicapped."

Neither mainstreaming nor Public Law 94-142 is the problem. Mainstreaming and other aspects of Public Law 94-142, however, are casting a giant spotlight on the educational problems that we classroom teachers have been aware of for many years. I do not suggest that money will solve all those problems. It will take sensitive, intelligent, and caring people to solve them. It will take people who can overcome the inhuman and uncaring tendencies of bureaucracies. Money is a crucially important facilitator of this kind of problem-solving.

If the implementation of Public Law 94-142 helps us bring together the necessary combinations of financial support and caring people to provide an appropriate education for all handicapped children, we will be on our way toward ameliorating the problems that have long plagued all of public education. We will be on our way toward general education reform.

It is difficult not to be cynical about this. It is difficult not to look back at all the fragmented, often aborted often failed efforts to reform education and say, "What's the use?" It is at the risk of being called naive that one dares to look forward and hope for better things. We must realize, however, that we risk our professional survival if we fail to look forward and hope and work for better things.

The question that confronts us today is stark: Can this great experiment of public school education do what it should have done from its beginnings and has only just begun to try to do within this century? Can public school education do what the law says it must do: provide equality of educational opportunity for all children? I do not mean equality of opportunity for a mediocre education but for an education appropriate to the children's needs. The implementation of Public Law 94-142 can bring us significantly closer to this goal. If that is naive, then call me naive. We teachers and our organizations have a vitally important role to play in the struggle ahead.

In our long and sometimes painful effort to improve education, to teach well, and to improve our professional condition, we have sometimes neglected a crucially important resource—parents. Without community and parental support, even the strongest and best professional organization will not help us improve education or our own professional futures. The linkage between those two goals is irrevocable.

We must seek working coalitions with parent and community groups and civic organizations if we expect to strengthen our professional position, our ability to effect positive educational change, and our ability to improve educational opportunities for all children. It is essential that we move aggressively as individuals and as members of the United Teaching Profession to seek the support of the parents of handicapped children. In doing so, I caution you to avoid any coalition-organizing activity that would foster mutually destructive infighting between the advocates of special and regular education. We must be united, particularly within our own organization. To the extent that we are united and can motivate supportiveness and cooperation on the part of parents we are strong and education is strengthened.

CLOSING SESSION

PERSPECTIVES OF THE CONFERENCE

Mae T. Kim, Member
NEA Human Relations Committee
Mililani Town, Hawaii

When I was first approached to give my reactions to the conference, I felt apprehensive. I am a regular classroom teacher, and I was afraid I might not be as sensitive to the issues of this conference as a special education teacher might be. I can say, however, that I found the conference to be very informative.

I also found that there is a gap between the special education and regular classroom teachers. Neither knows exactly what the other one does in his or her classroom. In my school, I have heard remarks about how special education teachers have so few students but regular teachers have crowded classrooms.

When Public Law 94-142 was enacted, many teachers became anxious that handicapped children would be mainstreamed into their classrooms. We had preconceived, inaccurate notions about this.

This conference has helped me to see that there is a need to bring the special education and regular classroom teachers together so we may begin to share in the responsibility for creating the best learning environment for handicapped and non-handicapped children.

I found this conference to be beneficial. It has given me direction as to what I could do when I have a handicapped child in my room. It also made me aware of the necessity to change attitudes toward the handicapped and come together with parents to develop the best educational program for their child. There will be good parent-teacher involvement while both sides identify the needs of the child and advocate for those services. The parent may help the teachers lobby for better programs and support services and adequate funding.

I have learned that Public Law 94-142 is also a vehicle for me to use to refer children who I feel may be handicapped.

This law also decreases the accountability factor. Teachers may now state that special services are required in order for us to accomplish certain goals that we have in mind for a child. I am also aware of the various class options that are available. I feel personally committed to work with my special education teacher. I also feel a very strong need to be aware of the child who is misdiagnosed or misplaced for racial or other reasons.

I have already scheduled a conference with my deputy school superintendent. I will be certain to tell him about the need for proper in-service training—not only for teachers and principals, but for administrators such as himself who will be involved with providing services to handicapped children.

Ramon Huerta
Member, NEA Human Relations Committee
Albuquerque, New Mexico

I am from the state of New Mexico, the only state that does not receive federal funding for the education of the handicapped. It feels that it has enough money to do it on its own, but I think New Mexico just doesn't want the federal controls. They would like to have federal money without controls.

I was asked to observe and summarize conference events. I heard many things. I heard that Public Law 94-142 was passed in 1975. Where were we when it was being passed? Some participants regarded our efforts as too little, too late. Some participants knew a lot about the law before they came to the conference; others were complete neophytes. All of us may depart a little more knowledgeable of and sensitive to the need.

I teach in a building of over 3,400 students. Two or three years ago, we found out that we could neither remodel the building nor add a media center unless we provided for an elevator and ramps. At the time, we thought that was a waste of time. We still don't have any students in wheelchairs, but we do have special education classes.

The regular teachers at our school were vaguely aware that they had 30-35 students, yet the others had far fewer children. We were vaguely aware that they were getting special funding, and we were only getting the basic appropriation.

New Mexico has a weighted formula for adding extra funding for the people who need special programs, such as bilingual, special, and vocational education.

I think one of the most valuable sessions I attended yesterday was that about collective bargaining. A collective bargaining agreement is a statement of rights and responsibilities. It protects the rights of the teachers and states their areas of accountability.

When I return to Albuquerque, I will be more sensitive to what is going on around me—not just aware that the special education teacher has a smaller class but aware of what that teacher does. I will also be aware of what I do and will have to do if a handicapped child is placed in my classroom.

I view this conference as a beginning, not as an end. We may have been asleep in 1975 when the law was passed, but many of us will leave this conference being more knowledgeable about the issues and about how we may cope with them back home.

Phyllis Parks Robinson
Recording Secretary
Montgomery County Education Association
Rockville, Maryland

I am a classroom teacher from one of the richest counties in the United States. We have had many problems with attitudinal change in our county because our wealth keeps special education needs away from us. We farm our children out to other areas. In September, when we farmed out all of our psychologists to test those children and bring them back to the system, we found out that we did have special education needs. It was a real eye opener for the classroom teacher.

One of my expectations at this conference was to learn more about Public Law 94-142. The panelists and the report that was made gave me a much greater knowledge of what I am expected to do to comply with this law. They also gave me a good idea of what my superintendent, principal, school board, and state board of education are supposed to do.

I came here for many more reasons; to learn to cope with the prospect of teaching a youngster who has perhaps more special needs than the children I am used to teaching. I came here to learn how my association will bargain for my rights under the law. I came to learn how I will be held accountable and how I will hold myself accountable while I am trying to educate youngsters with special needs.

I came, I heard, I listened, and in some instances, I gained the knowledge that I sought. Much of that knowledge will be useful to me as an association leader in the bargaining process and as a member of the state Leadership Training Committee. I am more convinced now than ever before about the need for total in-service training for teachers, administrators, and school board members. I think we all need to know more about what this law expects of us and what it is going to provide for us to meet those demands.

One of my short-range goals will be to go back to my local association's Leadership Training Committee and remind them that most of those classroom teachers we are trying to serve will have to implement Public Law 94-142 without knowing what it says.

One of my long-range goals will be to watch the Congress and the funding that is necessary to implement the law. Congress always authorizes more than it appropriates for us because education is of very low priority in the minds of Congressmen.

I will also watch my state and local boards of education, since they are placing more demands on teachers and sometimes not making the necessary adjustments in teachers' schedules to enable us to meet those demands. We learned from this conference that youngsters who have handicaps require more time—whether it is for I.E.P.'s or student contact. One of the panelists emphasized the need for changing school schedules. Why do they have to be the same? We are doing different things, and we need to expand our schedules.

I intend to go home and watch local and state candidates for office through my political action club. I am tired of people getting up and telling me what to do who have no idea whatsoever of what goes on in a classroom. I want people in office to be sympathetic to classroom teachers.

Finally, my colleagues and I will go home and act as watch dogs on ourselves as we work with the handicapped youngsters and as we work with regular and special education teachers. We are both doing the job. We are trying to educate youngsters.

Lithangia Robinson
Classroom Teacher
Past President
Georgia Association of Educators
Atlanta, Georgia

This conference zeroed in on the issue of the day—Public Law 94-142. Many of us had a general idea about the law, and many of us came to the conference with specific questions. I came with a question about handicapped girls.

Many classes of children with special needs don't contain many girls. Girls have for many years acquired verbal skills at earlier ages than boys. Girls do all right on tests; yet, many times they have crying needs in mathematics. I am a mathematics teacher, and I know this. Girls will start all right, but when you get to fractions, decimals, ratios, and probabilities, you lose them. We believe that the reason for this is the aggressive behavior the boys are allowed to exhibit and girls are not. A boy who plays with a toy airplane learns about spatial relationships and other things that girls who are just sitting there being nice don't learn in the same way. What happens? You and I pay for this on the welfare rolls. Forty-six percent of the women who head households are below the poverty level because they didn't acquire skills in mathematics and science.

One of my other concerns is about Indian children. Many of them attend boarding schools, far from their homes. Will the Bureau of Indian Affairs be their local education association? When their Individualized Education Plans are written, will their parents be brought to school by bus or plane so they may be involved in writing the I.E.P. as required by Public Law 94-142?

This conference made us aware that extremely handicapped children who have been institutionalized will not be placed in regular classrooms. I think this has made some people feel a lot better, particularly the participant who said: "Thank God, I won't have to be bothered with that."

I heard during the Student Testing Workshop that we need to look at other ways to diagnose students who have speech limitations. The presenters said that children's test scores may go up 40 percent when working with someone of their own ethnic group. It is very important that there be role models for all people.

Classroom teachers have found out that we have a fantastic support system. Rather than having a polarization of the community and the schools as we have had in the past, we are going to see these two institutions move closer together so that we may really go about the business of achieving equality in education for all children.

The Finance Workshop was very interesting. We always say that we don't have enough money. Public Law 94-142 augments state funds to provide a more appropriate education for handicapped children. At the Finance Workshop, we learned that we may get para-professionals from the Department of Labor and money from the Department of Agriculture. That made me think about the NEA's position in favor of a cabinet-level Department of Education for which we have fought so long and hard. We ought to be able to find money for education in one place.

Finally, I would like to say that the conference has reaffirmed my optimism, given me guidance, and helped me to be able to tap resources that will make my job much easier. Public Law 94-142 is the law of the land and one of the most revolutionary pieces of legislation to have been enacted in a long time. It will make us all stand up and be counted.

CONCLUSION

Joanna Hock
Classroom Teacher
Chairperson
NEA Teacher Rights Committee
South Bend, Indiana

Two thoughts have been in my mind from the beginning of this conference. Nothing can withstand the force of an idea whose time has come. The time has come to address ourselves to the needs of handicapped children of this country and to assure them of the availability of a free, appropriate public education. The force of our handicapped citizenry who have called for their rights has been recognized. The force of the profession insuring those rights and the rights of the teachers is at work. The force of a coordinated effort by parents and teachers has been demonstrated by our Study Panel, a model in coalition. Easy? No. The world is not an easy place in which to live, but we have a charge to keep.

Only that day dawns to which we are awake. Two years ago, we were not awake to the possibilities that might be afforded to us by the enactment of Public Law 94-142. We are now awake to the law, to the conflicts and challenges it presents, and to the consensus that must be achieved.



FILM FESTIVAL

About 50 conference participants took advantage of the opportunity to watch the following ten films shown during the evenings of March 17 and 18:

CRIPS TRIPS. 16mm, 16 minutes, b/w. An awareness film designed for people with disabilities by heightening their awareness of their potential for independence and for people who interact with the disabled in their work. The film contains vignettes from the lives of three people: a post-polio quadraplegic who works in a hospital, a journalist and author who has cerebral palsy and speaks by means of a typewriter with an electronic readout, and a quadraplegic who spends an afternoon fishing with his woman friend and daughter. Produced by the Center for Independent Living, Berkeley, California. Available from Canyon Cinema Co-op, Industrial Center Building Room 220, Sausalito, California 94965. Sale, \$150. Rental, \$20 plus handling.

EXCEPTIONAL TIMES: AN HISTORICAL PERSPECTIVE OF SPECIAL EDUCATION. 16mm, 15 minutes, color. A film that traces the history of education for handicapped and gifted children from Gallaudet to P. L. 94-142. Produced by and available from the Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091. Sale only, \$150.

IN THE MAINSTREAM. Video cassette, 25 minutes, color. Shows mainstreaming in the Lansing, Michigan, public schools. Includes instructional programs, physical education, therapy, and recreation. Describes how the physical plant accommodates handicapped students. Produced by the Lansing, Michigan, Schools Education Association. A limited number of prints are available on a free loan basis from NEA Instruction and Professional Development.

INCLUDING ME. Video cassette, 58 minutes, color. Patricia Neal narrates this videotape about P. L. 94-142. She speaks about the provisions of the law, what is required of public school districts, and what may be achieved. Shows handicapped students in regular classroom situations and in special schools. Produced by Capital Cities Broadcasting, 4100 City Line Avenue, Philadelphia, Pennsylvania 19131. For sale by Capital Cities Broadcasting, \$350. Rental, \$25-30, from the University of Illinois, Visual Aids Service, 1325 South Oak, Champagne, Illinois 61820.

KELLY. 16mm, 30 minutes, color. A film about the pre-school education of Kelly, a three-year-old with cerebral palsy. It shows her experience in the Martin Luther King, Jr., Children's Center in Berkeley, California, and the experiences of her teachers there—none of whom had previous training in working with handicapped children. Produced by Headstart. Available on a free loan basis from the Film Scheduling Center, Modern Talking Picture Studios, Inc., 2323 New Hyde Park Road, New Hyde Park, New York 11040.

NICKY: ONE OF MY BEST FRIENDS. 16mm, 15 minutes, color. A portrait of a blind boy who has cerebral palsy who is successfully mainstreamed into the fifth grade at a suburban New York public school. The film breaks through the barriers often associated with dealing with handicapped students. It reveals the common needs, desires, and abilities these children share with their peers—similarities that far outweigh differences. Produced by Togg Films, Inc. Available from McGraw-Hill Films, 1221 Avenue of the Americas, New York, New York 10020. Sale, \$230. Rental, \$25.

PEOPLE FIRST. 16 mm, 34 minutes, color. A documentary film about the lives and political activities of members of People First, a self-advocacy group of disabled citizens formed by former residents of Fairview Hospital and Training Center in Salem, Oregon. The camera travels around the 1976 convention that was attended by over 600 handicapped participants and covers social activities, the group home, workshop, community, and the planning session for the convention. Produced by Stanfield Film Associates in association with the Oregon Association for Retarded Citizens and People First. Available from Stanfield Film Associates, P.O. Box 851, Pasadena, California 91102. Sale, \$450. Rental, \$50.

PHYSICAL EDUCATION: LEVER TO LEARNING. 16 mm, 20 minutes, color. A film about the use of wholesome, vigorous physical activity as a means of motivating and challenging mentally retarded youngsters. Primary and intermediate educable youngsters are shown negotiating obstacles on a improvised confidence course. Advanced elementary school educable youngsters are shown participating in indoor activities. Produced by and available from Stuart Finley, 3428 Mansfield Road, Lake Barcroft, Falls Church, Virginia 22041. Sale, \$200. Rental, \$20 (one-time use) and \$30 (one week's use).

SEARCH FOR SPECIAL CHILDREN. 16 mm, 15 minutes, color. A film that shows the progress made by the state of Indiana to comply with the Special Education Services Act of 1973. It defines the special child, describes the programs available in public schools, and encourages parents to start communicating with the public school as soon as they know that their child is handicapped. Produced by the Indiana Department of Public Instruction. Available on a free loan basis from the Division of Special Education, Department of Public Instruction, 229 State House, Indianapolis, Indiana 46204.

THE ONLY THING I CAN'T DO IS HEAR. 16 mm, 27 minutes, color. A film that shows how deaf children are educated at the Gallaudet Model Secondary School for the Deaf and the Kendall Demonstration Elementary and Pre-School, Washington, D.C. The film includes a discussion of evaluation, innovative teaching, and dissemination of educational products. It provides information about speech, signing, and cued speech; individualized education programs; music, voice, drama, and sports; and non-classroom activities and home visits by teachers. Produced by and available from the Public Information Office, Gallaudet College, Seventh and Florida Avenues, N.E., Washington, D.C. Free rental.